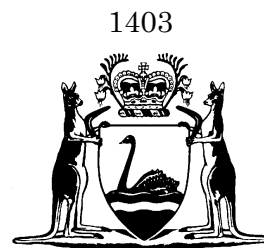




WESTERN AUSTRALIAN GOVERNMENT Gazette

ISSN 1448-949X PRINT POST APPROVED PP665002/00041



PERTH, TUESDAY, 27 MARCH 2007 No. 61

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

© STATE OF WESTERN AUSTRALIA

CONTENTS

PART 1

	Page
Industrial Relations Act 1979—Industrial Relations Commission Amendment Regulations 2007	1405
Proclamations— Petroleum Legislation Amendment and Repeal Act 2005 (No. 13 of 2005)	1405

PART 2

Agriculture	1407
Consumer and Employment Protection	1407
Heritage	1407
Justice	1408
Marine/Maritime	1408
Minerals and Petroleum	1409
Planning and Infrastructure	1411

IMPORTANT COPYRIGHT NOTICE

© State of Western Australia

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

PUBLISHING DETAILS

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

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

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

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

Delivery address:

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

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

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

GOVERNMENT GAZETTE

PUBLISHING DETAILS FOR EASTER 2007

**Gazettes will not be published on Friday, 6 April or
Tuesday, 10 April 2007.**

A Gazette will be published on Thursday, 5 April at 3.30 pm.
Copy closes at noon on Tuesday, 3 April.

The next Gazette published will be on Friday, 13 April at 3.30 pm.
Copy closes at noon on Wednesday, 11 April.

— PART 1 —

PROCLAMATIONS

AA101*

PETROLEUM LEGISLATION AMENDMENT AND REPEAL ACT 2005

No. 13 of 2005

PROCLAMATION

Western Australia

By His Excellency

*Doctor Kenneth Comminos Michael,
Companion of the Order of Australia,
Governor of the State of Western Australia*

[L.S.]

KENNETH COMMINOS MICHAEL
Governor

I, the Governor, acting under the *Petroleum Legislation Amendment and Repeal Act 2005* section 2 and with the advice and consent of the Executive Council, fix the day after the day on which this proclamation is published in the *Government Gazette* as the day on which Part 4 and sections 48, 49(1), (2)(b), (3), (4)(b) and 51 of that Act come into operation.

Given under my hand and the Public Seal of the State on 13 March 2007.

By Command of the Governor,

F. M. LOGAN, Minister for Resources.

INDUSTRIAL RELATIONS

IR301*

Industrial Relations Act 1979

Industrial Relations Commission Amendment Regulations 2007

Made by the Chief Commissioner of the Western Australian Industrial Relations Commission after consultation with the members of the Commission.

1. Citation

These regulations are the *Industrial Relations Commission Amendment Regulations 2007*.

2. Commencement

These regulations come into operation on the day on which the *Petroleum Legislation Amendment and Repeal Act 2005* Part 4 comes into operation.

3. The regulations amended

The amendments in these regulations are to the *Industrial Relations Commission Regulations 2005**.

[* *Published in Gazette 12 August 2005, p. 3685-812.*
For amendments to 18 January 2007 see Gazette
28 April 2006.]

4. Regulation 95 amended

Regulation 95(2)(b) is amended by deleting the full stop and inserting instead —

“

;

- (c) an application under the *Petroleum (Submerged Lands) Act 1982* Schedule 5 clause 31.

”

A. R. BEECH,
Chief Commissioner of the Western Australian
Industrial Relations Commission.

Date: 22 March 2007.

— PART 2 —

AGRICULTURE

AG401*

**AGRICULTURAL PRODUCE (CHEMICAL RESIDUES) ACT 1983
PLANT DISEASES ACT 1914**

VETERINARY CHEMICAL CONTROL AND ANIMAL FEEDING STUFFS ACT 1976

APPOINTMENTS

Department of Agriculture and Food,
SOUTH PERTH WA 6151.

I, the undersigned Minister for Agriculture and Food, being the Minister responsible for the administration of the *Agricultural Produce (Chemical Residues) Act 1983*, *Plant Diseases Act 1914* and *Veterinary Chemical Control and Animal Feeding Stuffs Act 1976* hereby appoint the following officers as Authorised Inspectors—

Section 6 of the *Agricultural Produce (Chemical Residues) Act 1983*—

Jennifer Lynette Cotter	Robert John Nickels
Terri Anne Jasper	Donna May Pead

Section 7A of the *Plant Diseases Act 1914* to carry out all the functions authorised to be performed by and Inspector—

Kerryn Stacey Davey	Terri Anne Jasper
---------------------	-------------------

Section 37 of the *Veterinary Preparations and Animal Feeding Stuffs Act 1976*—

Jennifer Lynette Cotter	Donna May Pead
Robert John Nickels	

KIM CHANCE MLC, Minister for Agriculture and Food.

CONSUMER AND EMPLOYMENT PROTECTION

CE401

COMPANIES (CO-OPERATIVE) ACT 1943

SECTION 403

Registration of Auditors

Notice is hereby given that the following person is registered as qualified to act as an auditor pursuant to s402 of the Act with effect from 14 March 2007.

PATRICIA ANN LEIGHTON

PATRICK WALKER, Registrar for Consumer Protection.

HERITAGE

HR401*

HERITAGE OF WESTERN AUSTRALIA ACT 1990

REVOCATION OF DELEGATION OF POWERS AND DUTIES

Take notice that on the nineteenth day of March 2007 in accordance with section 6(7) of the *Heritage of Western Australia Act 1990* (the 'Act'), I, Michelle Roberts, MLA, Minister for Heritage administering the Act, hereby revoke the following delegation of powers and duties that was made to the Director of the Heritage Council of Western Australia by me and gazetted on 13 April 2006—

All my powers and duties under section 47(1) of the Act subject to the following limitations—

1. the Director may not direct the Heritage Council of Western Australia to enter a place in the Register of Heritage Places on a permanent basis; and

2. the Director may not direct the Heritage Council of Western Australia to enter a place in the Register of Heritage Places as an interim registration if the owner of the place has made a written objection to the entry of the place in the Register of Heritage Places with the Heritage Council of Western Australia.

Dated the nineteenth day of March 2007.

MICHELLE ROBERTS MLA, Minister for Heritage.

JUSTICE

JU401*

MAGISTRATES COURT ACT 2004
CHILDREN'S COURT OF WESTERN AUSTRALIA ACT 1988

REGISTRIES

In accordance with section 8 of the *Magistrates Court Act 2004* (WA) and section 13 of the *Children's Court of Western Australia Act 1988* (WA) we hereby give notice that the following places will have registries of the Magistrates Court of Western Australia and the Children's Court of Western Australia—

WARAKURNA*

Legend—

Registry locations in **bold** are managed directly by the Department of Justice

* Indicates registries where only certain cases can be commenced in the Court's civil jurisdiction and where registry functions are performed by Police Officers.

° Indicates registries outside the state.

^M Indicates registries where registry functions are performed by Mining Registrars.

In Perth, suburban and major regional registry locations the Children's and Magistrates Courts will sit each working day and otherwise as required to conduct the business of the Courts. In smaller regional registry locations the Courts will sit on a needs basis to conduct the business of the Courts. The Courts' sitting times at each location will be published at the registry and will otherwise be available on request from the Registrar or Deputy Registrar of the registry.

DENIS REYNOLDS, President,
Children's Court of Western Australia.

STEVEN HEATH, Chief Magistrate,
Magistrates Court of Western Australia.

MARINE/MARITIME

MX401*

WESTERN AUSTRALIAN MARINE ACT 1982

BOATING PROHIBITED AREA

Shire of Northampton

Department for Planning and Infrastructure,
Fremantle WA, 27 March 2007.

Acting pursuant to the powers conferred by Section 66 of the Western Australian Marine Act 1982, the department hereby revokes Notice TR402 as published in the *Government Gazette* on 27 January 1995 and defines the following area of Navigable Water as a Boating Prohibited Area—

Horrocks Beach: All the water contained within an area extending 240 metres along the foreshore being 140 metres north and 100 metres south of the Swimming Jetty and extending 100 metres to seaward.

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

MINERALS AND PETROLEUM

MP401*

PETROLEUM (SUBMERGED LANDS) ACT 1982
PETROLEUM (SUBMERGED LANDS) (MANAGEMENT OF SAFETY ON
OFFSHORE FACILITIES) REGULATIONS 2007

DETERMINATION UNDER REGULATION 53(1)(C)

National Offshore Petroleum Safety Authority.

BACKGROUND

Details for reporting of accidents and dangerous occurrences

Accidents and dangerous occurrences must be reported to the Authority in accordance with the regulations (Clause 71 of Schedule 5 to the *Petroleum (Submerged Lands) Act 1982*).

A dangerous occurrence is defined by Regulation 50 of the *Petroleum (Submerged Lands) (Management of Safety on Offshore Facilities) Regulations 2007* as an occurrence at a facility that—

- (a) did not cause, but could reasonable have caused—
 - i. the death of, or serious personal injury to, a person; or
 - ii. a member for the workforce to be incapacitated from performing work for a periods of 3 days; or
- (b) was, or resulted in, any of the following—
 - i. a fire of explosion;
 - ii. a collision of a marine vessel with a facility;
 - iii. an uncontrolled release of hydrocarbon vapours exceeding 1 kg;
 - iv. an uncontrolled release of petroleum liquids exceeding 80 litres;
 - v. a well kick exceeding 50 barrels;
 - vi. an unplanned event that required the emergency response plan to be implemented;
 - vii. damage to safety-critical equipment; or
- (c) was of another kind that a reasonable operator would consider to require an immediate investigation.

Timing and content of reports

Subregulation 53(1) of the *Petroleum (Submerged Lands) (Management of Safety on Offshore Facilities) Regulations 2007* requires, unless otherwise agreed by the Authority, a written report be provided within 3 days to the Authority of an accident or dangerous occurrence, or its detection. Subregulation 53(1)(c) provides for the Safety Authority to make a determination as to what details concerning an accident or dangerous occurrence must be included in the written report.

THE DETERMINATION

The report to be provided under subregulation 53(1) must contain material details of the types determined as follows—

General

1. The facility name, site name or location where the incident occurred.
2. Name and business address of employer who controls work site.
3. Time and date of incident.
4. Names and contact details of any witnesses.
5. Name/position/telephone number of person submitting these details.
6. Brief description of incident.
7. Work/activity being undertaken at time of incident.
8. Action taken to make work-site safe or prevent environmental damage including details of any disturbance of the work site.
9. Was emergency response initiated?

Injuries

10. Name of employer of deceased/injured person(s) [if any and if different from answer in item 2].
11. Details of deceased/injured person(s)—including: name, date of birth, sex, residential address and telephone number, occupation/job title and details of injury, details of job being undertaken.
12. Day of shift and hour of shift (e.g. 5th day of 14, 1st hour of 12).

Fluid Escape

13. Estimated quantity and composition of fluids that escaped or burned including known toxicity.
14. Duration of escape.
15. Location and weather conditions.

Serious Damage

16. Identify equipment damaged and to what extent.
17. Will the plant be shutdown and for how long.

Immediate Actions

18. Immediate action taken/intended, if any, to prevent recurrence of incident.

Analysis and Remedial Actions

19. Immediate cause analysis.
20. Root cause analysis and full report.
21. Actions to prevent recurrence of incident with responsible party and completion date.

Dated this 15th day of March 2007.

JOHN CLEGG, Chief Executive Officer,
National Offshore Petroleum Authority.

MP402*

PETROLEUM (SUBMERGED LANDS) ACT 1982
PETROLEUM (SUBMERGED LANDS) (PIPELINES) REGULATIONS 2007
DETERMINATION UNDER REGULATION 53(1)(C)

National Offshore Petroleum Safety Authority.

BACKGROUND

Details for reporting of accidents and dangerous occurrences

Accidents and dangerous occurrences must be reported to the Authority in accordance with the regulations (Clause 71 of Schedule 5 to the *Petroleum (Submerged Lands) Act 1982*).

A dangerous occurrence is defined by Regulation 53 of the *Petroleum (Submerged Lands) (Pipelines) Regulations 2007* as an occurrence at a pipeline that—

- (a) created a substantial risk of an accident; or
- (b) was of a kind that a reasonable operator would consider to require an immediate investigation.

Timing and content of reports

Subregulation 56(1) of the *Petroleum (Submerged Lands) (Pipelines) Regulations 2007* requires, unless otherwise agreed by the Safety Authority, a written report be provided within 3 days to the Authority of an accident or dangerous occurrence, or its detection. Subregulation 56(1)(c) provides for the Safety Authority to make a determination as to what details concerning an accident or dangerous occurrence must be included in the written report.

THE DETERMINATION

The report to be provided under subregulation 56(1) must contain material details of the types determined as follows—

General

1. The pipeline name, site name or location where the incident occurred.
2. Name and business address of registered operator or other person who controls the work site.
3. Time and date of incident.
4. Names and contact details of any witnesses.
5. Name/position/telephone number of person submitting these details.
6. Brief description of incident.
7. Work/activity being undertaken at time of incident.
8. Action taken to make the work-site safe including details of any disturbance of the work site.
9. Was an emergency response initiated?

Injuries

10. Name of employer of deceased/injured person(s) [if any and if different from answer in item 2].
11. Details of deceased/injured person(s), including: name, date of birth, sex, residential address and telephone number, occupation/job title and details of injury, details of job being undertaken.
12. Day of shift and hour of shift (e.g. 5th day of 14, 1st hour of 12).

Fluid Escape

13. Estimated quantity and composition of fluids that escaped or burned, including known toxicity.
14. Duration of escape.
15. Location and weather conditions.

Serious Damage

16. Identify equipment damaged and to what extent.
17. Will the equipment or pipeline be shutdown and for how long?

Immediate Actions

18. Immediate action taken/intended, if any, to prevent recurrence of incident.

Analysis and Remedial Actions

19. Immediate cause analysis.
20. Root cause analysis and full report.
21. Actions to prevent recurrence of same or similar incident with responsible party and completion date.

Dated this 15th day of March 2007.

JOHN CLEGG, Chief Executive Officer,
National Offshore Petroleum Authority.

PLANNING AND INFRASTRUCTURE

PI401*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT
Shire of Murray
 Town Planning Scheme No. 4—Amendment No. 212

Ref: 853/6/16/7 Pt 212

It is hereby notified for public information, in accordance with section 87 of the Planning and Development Act 2005 that the Minister for Planning and Infrastructure approved the Shire of Murray local planning scheme amendment on 20 February 2007 for the purpose of—

1. Rezoning Lot 174 Goodooga Road, Furnissdale from “Rural” to “Special Rural”.
2. Introducing the following numbering systems to Schedule 4 of Town Planning Scheme No 4 that will numerically identify each Special Rural Zone—

(A) SPECIFIED LAND	
SR 1	Yamba Special Rural Zone (formerly Lots 462 & 1370) contains all lots fronting Yamba Drive and The Glade, North Dandalup.
SR 2	Barragup, Furnissdale and Cogrup Special Rural Zone as indicated in Schedule 5-1.
SR 3	South Yunderup Special Rural Zone, bounded by the Murray River on its northern and eastern boundaries, north of South Yunderup and east of Delta Drive, South Yunderup. AMD 37 GG 3/11/95
SR 4	ML 61, 372, 699 & 730 at ‘Birchmont’, West Murray.
SR 5	Riverland Estate, being bounded by the Serpentine River to the east, the proposed Freeway alignment to the west, Lot 44 to the north, and the proposed Freeway alignment to the south. AMD 164 GG 4/2/03
SR 6	Lots 1 to 32 (original Lots 208 and 209) Lymon Road, Stakehill. AMD 13 GG 2/10/92
SR 7	Lot 1 to 17 (original Lot 206) Lymon Road, Stakehill. AMD 20 GG 13/11/92
SR 8	Coral Park Estate comprising Lot 34 and 35 Dewar Road, Lots 36 and 37 Lakes Road, Lots 38 to 43 and 45 to 48 Jennis Place; Lots 33 and 34 Beau Sovereign Court, portion of Cockburn Sound Loc 16 and Lot 122 Beau Sovereign Court, Lakes Road and Atkins Road; and Lot 8 Lakes Road, North Dandalup. AMD 27 GG 24/11/92 AMD 68 GG 2/8/96 AMD 88 GG 7/2/97 AMD 135 GG 15/1/99 AMD 144 GG 16/1/01

SR 9	Lot 20 Lakes Road (proposed Lots 901, 902 and 903 Fowler Roads and Lots 904, 905 and 906 Lakes Road, Stakehill) AMD 19 GG 9/11/93
SR 10	Lot 5 Paterson Road, Pinjarra AMD 55 GG 23/5/95 AMD 100 GG 7/3/97 Provision 9 modified (Amd 100 GG 7/3/97) for Champion Retreat and Cheyne Court, Canterbury Downs Estate (original amd covering that provision—Amd 55 GG 23/5/95)
SR 11	Lot 205 and portion of Lot 202 Lymon Road, Stakehill. AMD 63 GG 15/9/95
SR 12	Original Lot 207 Lymon Road, Stakehill. AMD 57 GG 17/10/95
SR 13	Portion of Lot 217 Hougham Road, Barragup. AMD 59 GG 3/11/95
SR 14	Lot 72 Moores Road, Pinjarra AMD 85 GG 1/11/96
SR 15	Portion of Lot 217 Hougham Road, Barragup AMD 85 GG 18/2/97
SR 16	Portions of Murray Locations 360 and 463 Curtis Lane, Pinjarra AMD 83 GG 21/3/97
SR 17	Lot 201 Lymon Road, Stakehill AMD 77 GG 30/5/87
SR 18	Portions of Murray Location 360, being Lot 27 Beacham Road, Pinjarra AMD 94 GG 8/7/97
SR 19	Lots 1, 2, 3, 4 and 100 Paterson Road, Stakehill AMD 80 GG 24/10/97 AMD 162 GG 18/1/02
SR 20	Lot 3 Fiegert Road, Barragup AMD 108 GG 22/1/99
SR 21	Pt Lot 201 Fiegert Road, Barragup AMD 109 GG 22/1/99
SR 22	Lot 1 Lakes Road, North Dandalup AMD 136 GG 15/2/00
SR 23	Lot 2 Baker Street, Coolup AMD 143 GG 1/1/01
SR 24	Lot 194 Fiegert Road, Barragup AMD 148 GG 22/3/02
SR 25	Lot 601 Beacham Road, Pinjarra AMD 156 GG 4/2/03
SR 26	Pt Lot 1 Pinjarra Road, Ravenswood AMD 163 GG 11/7/03
SR 27	Specified land Lot 3 Caponi Road, Barragup AMD 157 GG 12/3/04
SR 28	Pt Murray Location 222 & Murray Locations 188 and 1214 Curtis Lane and Beacham Road, Pinjarra AMD 177 GG 15/6/04
SR 29	Portion of Cockburn Sound Loc 6 and being part of 46a Lakes Road, North Dandalup AMD 165 GG 3/3/06

3. Amending Column (A) Specified Land Schedule 4, Special Rural Zone No 2 of Town Planning Scheme No 4 to read—
The Barragup, Furnissdale and Cogrup Special Rural Zone as indicated in Appendix 5-1.
4. Inserting the following diagram representing the boundaries of the Barragup, Furnissdale and Cogrup Special Rural Zone as Appendix 5-1 of Town Planning Scheme No 4.
5. Amending the Scheme Maps to include Lot 174 Goodooga Road in the Special Rural Zone, SR2.

N. H. NANCARROW, Shire President.
N. LEACH, Chief Executive Officer.

PI402*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT

Shire of Murray

Town Planning Scheme No. 4—Amendment No. 213

Ref: 853/6/16/7 Pt 213

It is hereby notified for public information, in accordance with section 87 of the Planning and Development Act 2005 that the Minister for Planning and Infrastructure approved the Shire of Murray local planning scheme amendment on 27 February 2007 for the purpose of inserting the following into Appendix 2—Additional Uses and amending the Scheme Maps accordingly—

No.	Description of Land	Additional Use	Conditions
4	Lot 56 Watson Drive, Barragup	Licensed Restaurant Shop Restaurant/Café Office Consulting Room Medical Clinic Hardware Outlet Open Air Display Warehouse and Storage	<ol style="list-style-type: none"> 1. No development shall occur within the 10 metre Pinjarra Road widening reserve; 2. The additional uses listed shall be deemed 'P' uses for the purpose of the Scheme, with the exception of 'Shop' which shall be deemed an 'AA' use; 3. All vehicular access shall be provided via Watson Drive of the extension to Douglas Place. No vehicle access is permitted from Pinjarra Road; 4. At the subdivision development stage, Council shall require the landowner to create an 18 metre wide right-of-way to facilitate the future extension of Douglas Place through to Watson Drive; and 5. All development is to be connected to reticulated sewer.

N. H. NANCARROW, Shire President.
N. LEACH, Chief Executive Officer.

PI403*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT

Shire of Augusta-Margaret River

Town Planning Scheme No. 11—Amendment No. 155

Ref: 853/6/3/8 Pt 155

It is hereby notified for public information, in accordance with section 87 of the Planning and Development Act 2005 that the Minister for Planning and Infrastructure approved the Shire of Augusta-Margaret River local planning scheme amendment 8 march 2007 for the purpose of—

1. Listing the 'Future Development Zone' at section 4.1 of the Scheme Text.
2. Listing the "Structure Plan Area' and Development Investigation Area' at section 4.2 of the Scheme Text.
3. Modifying 'Table 1—Zoning, Site Requirements and Development Standards' by inserting Column No. 15 'Future Development' as follows—

Use and Development Classes	15—Future Development
Residential, vocational and Private	
Single Dwelling	P
Attached Dwelling	AA
Grouped Dwelling	SA
Caretakers Dwelling	X
Residential Building, Residential Hotel Boarding Guest/Lodging House	SA
Motel	SA
Caravan Park	SA
Holiday Cabins and Chalets	SA
Home Occupation	AA

Licensed Premises	
Hotel	SA
Tavern	SA
Wine Shop	SA
Licensed Premises	SA
Drive in Liquor Sales	SA
Liquor Store	SA
Commercial Uses	
Shop	SA
Eating House	SA
Take away Food Outlet	SA
Fish Shop	SA
Open Air Display	SA
Carpark	SA
Service Petrol Filling Station/Motor Repair Station	SA
Office	SA
Professional Office	SA
Consulting Rooms	SA
Medical Clinic	SA
Showrooms	SA
Warehouse	SA
Trade Display	SA
Dry Cleaning Agency	SA
Laundromat	SA
Funeral Parlour	SA
Public and Community Uses	
Day Care Centre	SA
Pre School	SA
Educational Establishment	SA
Health Care/Studio	SA
Infant Welfare Clinic	SA
Public Amusements	SA
Public Recreation	SA
Place of Public worship	SA
Place of Public Assembly	SA
Civic Building	SA
Museum	SA
Institutional Home Building	SA
Reformatory Institution	SA
Public Utility	SA
Radio TV Installation	SA
Private Club	SA
Industrial Uses	
Light Industry	SA
Service Industry	
General Industry	
Factory	SA
Motor Vehicle Wrecking	
Noxious Industry	
Extractive Industry	
Rural Industry	
Saw Mill	
Fuel Depot	
Wood yard	
Transport Depot	
Milk Depot	

Rural Uses	
Small Holding	
Intensive Agriculture	SA
Kennels	
Veterinary Clinic	
Veterinary Establishment	
Rural Pursuit	SA
Art & Craft Studio and Sales	SA
Plant Nursery	
Cottage Industry	SA

4. Inserting at section 4.6 of the Scheme text—

“4.6 Development Investigation Area

4.6.1 Map Designation

Development Investigation Areas are shown on the Scheme Map as DIA with a number.

4.6.2 Purpose

(a) To identify areas requiring comprehensive environmental assessment and rezoning prior to, or currently with, structure planning and prior to subdivision and development.

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

4.6.3 Rezoning and Structure Planning Requirements

(a) Development Investigation Areas require rezoning prior to approval of Proposed Structure Plans. The rezoning proposal is to include a full evaluation and assessment, including any necessary environmental assessment. This is to determine if the areas are suitable and capable of supporting the land use expectations and matters to be addressed as set out in Schedule IX.

(b) Inclusion of any land within a Development Investigation Area should not be interpreted to imply that the land is suitable for development, a determination of which will only be made following full evaluation and assessment of the land by means of amendment to the Scheme and preparation and adoption of a Structure Plan.

(c) Prior to any subdivision or development within a Development Investigation Area, a proposed Structure Plan shall be prepared and adopted in accordance with the structure planning requirements of clause 4.7. The provisions of clause 4.7 are applicable to Development Investigation Areas in so far as they are modified by clause 4.7.3.

(d) The provisions of clause 4.6 apply to land in a Development Investigation Area, in addition to the provisions applying to any underlying zone or reserve or any general provisions of the Scheme.

(e) Notwithstanding clauses 4.6.3(a) and 4.6.3(c), 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 underlying zone without requiring such a rezoning and 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 Development Investigation Area”.

5. Inserting at section 4.7 of the Scheme text—

“4.7 Structure Plan Areas

4.7.1 Map Designation & Interpretation

Structure Plan Areas are shown on the Scheme Map as SPA with a number that corresponds with the number against each area in Schedule X.

For the purpose of clause 4.6 and 4.7 inclusive, unless the context otherwise requires—

‘Proponent’ means any owner of land to which the Proposed Structure Plans relates which has submitted that Proposed Structure Plan.

‘Proposed Structure Plan’ means a structure plan, which may apply to either a local area or a district, which has been prepared in accordance with clause 4.7.5.

‘Structure Plan’ means a Proposed Structure Plan that has been approved by both the Commission and adopted by the local government under clauses 4.7.5.15.

4.7.2 Purpose

(a) To identify areas requiring comprehensive structure planning prior to subdivision and development.

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

4.7.3 Planning Requirements

- 4.7.3.1 The provisions of clause 4.7 apply to land in a Structure Plan Area, in addition to the provisions applying to any underlying zone or reserve or any general provisions of the Scheme.
- 4.7.3.2 The local government requires a Structure Plan for a Structure Plan Area, or for any part or parts of a Structure Plan Area, before recommending subdivision or approving development of land within the Structure Plan Area.
- 4.7.3.3 Notwithstanding the clause 4.7.3.2 requirement to prepare a Structure Plan for land in a Structure Plan Area, 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 underlying 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.
- 4.7.3.4 Where a Structure Plan exists, the subdivision and development of land is to be generally in accordance with Structure Plan and any associated provisions contained in Schedule X.
- 4.7.3.5 The local government of 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.
- 4.7.3.6 Schedule X describes the Structure Plan Area in more detail and sets out the land use expectations, matters to be addressed and associated provisions for Structure Plans.

4.7.4 Preparation of Structure Plans

- 4.7.4.1 A Structure Plan may include plans and other documents.
- 4.7.4.2 A Structure Plan may, with the agreement of the local government, be prepared and implemented in stages and relate to only part of a Structure Plan Area.
- 4.7.4.3 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 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 co-ordinated and the arrangements for implementation of the Structure Plan.
- 4.7.4.4 A Proposed Structure Plan shall contain information required by the local government to satisfy the planning requirements of the Structure Plan Area, including the requirements specified in Schedule X, and without limiting the generality of the foregoing, may include the following details—
- (a) The area to which the Proposed Structure Plan applies;
 - (b) A statement of vision for the land;
 - (c) A concise history and present use of the land, including any known indigenous history and all current approvals applicable to the land but not substantially commenced or implemented;
 - (d) 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;
 - (e) Identification of the key opportunities and constraints of the Structure Plan Area including current condition of the land, landform, topography, hydrology, landscape, vegetation, soil type and quality using the most recent analysis tools published by the Department of Agriculture, conservation and heritage values, ownership, existing land uses, roads and public transport, and services;
 - (f) 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, with particular reference to any Matters of National Environmental Significance that occur on the land or might be impacted by activities on the land, and the ways in which those impacts will be managed;
 - (g) 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 list;
 - (h) Identification of any natural or built dam, soak, wetland, watercourse and drainage channel including dimensions, capacity and flows of such water bodies where relevant;
 - (i) 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, Statements of Planning Policies, planning strategies, planning policies and the relevant principles from the State Sustainability Strategy (as amended from time to time);
 - (j) The proposed major land uses including residential areas and their densities, new neighbourhood centres, public and regional open space, school sites, civic and community uses (including any initiatives that will promote community well-

- being), commercial uses (including location and hierarchy of commercial centres), mixed use, industrial and mixed business uses;
- (k) Specific description of how and from where portable water will be supplied and how and where waste water will be treated and released;
 - (l) Where significant physical features, such as watercourses, requires conservation or enhancement and the manner in which that is to be achieved;
 - (m) Any land or waters likely to be contaminated and measures to be taken to address the issue;
 - (n) The proposed indicative lot pattern and general location of any major buildings;
 - (o) Estimates of future lots, dwellings, population, employment and retail floor space;
 - (p) Provision for major infrastructure, including main drainage, storm water management, sewerage, water supply and other key infrastructure services;
 - (q) The proposed road network and hierarchy, public transport services (where relevant), and bicycle and pedestrian networks and how these will be connected;
 - (r) The timeframe and staging of subdivision and development, and the method of implementation, including any proposed funding by developer contributions;
 - (s) Details as appropriate relating to—
 - (i) Traffic volumes and management;
 - (ii) Vehicular access and parking;
 - (iii) Storm water management and quality control;
 - (iv) Traffic noise (automotive and aircraft);
 - (v) The location, orientation and design of buildings and the space between buildings;
 - (vi) Conservation areas;
 - (vii) Heritage places; and
 - (viii) Special development control provisions.
 - (t) Such other information as may be required by the local government; and
- 4.7.4.5 The local government may require a Structure Plan to be prepared for any land not within a Structure Plan Area 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.
- 4.7.5 Adoption and Approval of Structure Plans
- 4.7.5.1 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.
- 4.7.5.2 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.
- 4.7.5.3 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 4.7.5.2, the local government is deemed to have determined that the Proposed Structure Plan is not satisfactory for advertising.
- 4.7.5.4
- (a) Where the Proponent is aggrieved by a determination of the local government made or deemed to have been made under clauses 4.7.5.2 or 4.7.5.3, the Proponent may request the local government, by notice in writing, to forward the Proposed Structure Plan to the Commission.
 - (b) Within 21 days of receiving notice from the Proponent under clause 4.7.5.4(a), the local government shall forward to the Commission—
 - (i) A copy of the Proposed Structure Plan;
 - (ii) Details of the local government's determination including any modifications to the Proposed Structure Plan require by the local government; and
 - (iii) Any other information the local government considers relevant to the Commission's consideration of the Proposed Structure Plan for advertising.
 - (c) Upon receiving a Proposed Structure Plan in accordance with clause 4.7.5.4(b), the Commission is to make one of the determinations referred to in clause 4.7.5.2 and advise the local government and the Proponent accordingly.

- (d) 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 4.7.5.4(c);
 - (e) If within 60 days of receiving a Proposed Structure Plan under clause 4.7.5.4(b), 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 4.7.5.2, the Commission shall be deemed to have determined that the Proposed Structure Plan is not satisfactory for advertising.
- 4.7.5.5 Where the local government, or the Commission, has determined that the Proposed Structure Plan may be advertised, the local government shall—
- (a) 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 4.4.3 of the Scheme; and
 - (b) Give notice, or require the Proponent to give notice in writing to—
 - (i) All landowners affected by the Proposed Structure Plan; and
 - (ii) Such public authorities and other persons as the local government nominates, with advertisements and notices explaining the scope and purpose 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 advertisements with advertising costs to be borne by the Proponent.
- 4.7.5.6 Within 7 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.
- 4.7.5.7 The local government shall consider all submissions received and within 60 days of the latest date specified in the notice under clause 4.7.5.5 shall either—
- (a) Adopt the Proposed Structure Plan with or without modifications; or
 - (b) Refuse to adopt the Proposed Structure Plan giving reasons to the Proponent.
- 4.7.5.8 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 4.7.5.7 has not been made, the local government is to be deemed to have refused to adopt the Proposed Structure Plan.
- 4.7.5.9 Within 21 days of a determination made, or deemed to have been made under Clauses 4.7.5.7 or 4.7.5.8, the local government shall forward to the Commission—
- (a) 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;
 - (b) The local government's recommendation to the Commission that the Proposed Structure Plan either be approved, approved with modifications or refused; and
 - (c) Any other information the local government considers relevant to the Commission's consideration of the Proposed Structure Plan.
- 4.7.5.10 On receipt of the information described in clause 4.7.5.9, the Commission shall either—
- (a) Approve the Proposed Structure Plan with or without modifications; or
 - (b) Refuse to approve the Proposed Structure Plan and give reasons for its decision to the Proponent and the local government.
- 4.7.5.11 If within 60 days of receiving the information referred to in clause 4.7.5.9, 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 4.7.5.10, the Commission is deemed to have refused to approve the Proposed Structure Plan.
- 4.7.5.12 If the Commission approves the Proposed Structure Plan, it is to notify the local government and the Proponent of its decision with 14 days of the date of the Commission's decision.
- 4.7.5.13 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 4.7.5.10.
- 4.7.5.14 If, following consultation with the Commission, the local government forms the opinion that any modification to the Proposed Structure Plan is substantial, it may—
- (a) Re-advertise the Proposed Structure Plan; or
 - (b) Require the Proponent to re-advertise the Proposed Structure Plan,
- and, thereafter, the procedures set out in Clause 4.7.5.5 onwards apply.
- 4.7.5.15 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—
- (a) The Proponent;
 - (b) The Commission; and
 - (c) Any other appropriate person or public authority likely to be affected or have an interest.

- 4.7.5.16 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.
- 4.7.6 Change to, or Departure from Structure Plans
- 4.7.6.1 The local government may accept a minor change to, or departures 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.
- 4.7.6.2
- (a) The local government shall forward a copy of the minor change or departure to the Commission within 10 days of the date of adopting the minor change or departure.
 - (b) If the Commission considers that the change or departure adopted by the local government under clause 4.7.6.1 materially alters the intent of the Structure Plan then the Commission—
 - (i) May require the local government to follow the procedures set out in clause 4.7.5.5 onwards in relation to the change or departure; and
 - (ii) Shall notify the local government of this requirement within 10 days.
- 4.7.6.2 Any change to, or departure from a Structure Plan that is not considered a minor change as specified at clause 4.7.5 is to follow the procedures set out in clause 6.10.5 onwards.
- 4.7.7 Operation of Structure Plan
- 4.7.7.1 A Structure Plan commences operation on the date it is adopted by the local government pursuant to clause 4.7.5.15.
- 4.7.7.2 Subject to the Scheme, if a Structure Plan imposes a classification on the land included in it by reference to reserve, zones or *Residential Design Codes*, then;
 - (a) 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
 - (b) Provisions in the Scheme applicable to land in those classifications under the Scheme apply to the Structure Plan Area.
- 4.7.7.3 Without limiting the generality of clause 4.7.7.2, 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 R Codings 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 of uses and developments under the Scheme area 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.
- 4.7.7.4 A Structure Plan, adopted and approved under the Scheme will be used by the local government and the Western Australian Planning Commission respectively as a guide for the assessment of Applications for Planning Approval under the Scheme and of Applications for Approval to Subdivide Land under the provisions of Part 10 of the Planning and Development Act.
- 4.7.8 Appeal
- 4.7.8.1 The Proponent may appeal, in accordance with Part 14 of the Planning and Development Act, any—
 - (a) Determination or decision made by the Commission;
 - (b) Requirement imposed by or modification sought by the Commission; or
 - (c) Determinations deemed to have been made by the Commission under clause 4.7.5.4(e) or 4.7.5.11 in the exercise of the Commission's power under Clause 4.7.
- 4.7.8.2 The Proponent may appeal, in accordance with Part 14 of the Planning and Development Act, any decision made by the local government under clauses 4.7.5 and 4.7.6"
6. Inserting at section 4.8 of the Scheme text—
- 4.8 Future Development Zone**
- 4.8.1 Purpose of the Future Development Zone—
To provide for additional sustainable urban development within and around existing settlements within the Scheme Area.
- 4.8.2 Objectives of Future Development Zone—
 - (a) To designate land considered to be generally suitable for future urban purposes and to prevent such land being used or developed in a manner which could prejudice its possible future use for planned urban purposes;

- (b) To provide for the sustainable development of land in an orderly manner with appropriate levels of physical infrastructure and human services;
- (c) To require, as a pre-requisite to subdivision and development for urban purposes, the preparation and approval by the local government together with endorsement by the Western Australian Planning Commission of a Structure Plan in accordance with the provisions of section 4.7.4 and 4.7.5 of the Scheme; and
- (d) To guide and control the development so as to achieve compact urban villages linked by open space, natural areas and functional open space consistent with the objectives of attaining sustainable development.

4.8.3 Planning Requirements

- 4.8.3.1 Development proposals including subdivision, other than the erection of a single dwelling or minor changes in the use of land, will not be considered by the local government until such time as a Structure Plan has been prepared and approved pursuant to the provisions of clause 4.7.4 and 4.7.5. Any residential development within the Zone shall comply with the requirements of the R Codes as determined by the provisions of an approved structure plan.

7. Renumbering the Scheme text accordingly.

8. Adding "Schedule IX—DEVELOPMENT INVESTIGATION AREAS" to the Scheme Text as follows—

"(Clause 4.6 refers)

Areas numbered in the Table below relate to Development Investigation Areas (DIA) shown on the Scheme Map (eg DIA 1)"

Area No (DIA)	Description of Land Area	Land Use Expectation	Other factors for Consideration
---------------	--------------------------	----------------------	---------------------------------

9. Adding "Schedule X- STRUCTURE PLAN AREAS" to the Scheme Text as follows—

"(Clause 4.7 refers)

Areas numbered in the Table below relate to Structure Plan Areas (SPA) shown on the Scheme Map (eg SPA 1)"

Area No (SPA)	Description of Land Area	Land Use Expectation	Matters to be addressed in Structure Plans (in addition to clause 4.7.4.4)	Associated Provisions
1.	Lots 101 and 102 Bussell Highway, Cowaramup	Orderly and proper expansion of the Cowaramup Townsite in accordance with the Cowaramup Village Strategy.	<ul style="list-style-type: none"> • Have due regard to the character and amenity of the existing and planned character of the Cowaramup Townsite. 	<ul style="list-style-type: none"> • All lots created must be connected to the reticulated water and sewerage systems.

10. Amending the Scheme Maps by—

- (i) Inserting in the Legend to the Scheme Maps the 'Future Development Zone', 'Development Investigation Area' and Structure Plan Areas' along with area boundaries.

- (ii) Applying the 'Future Development Zone' to Lots 101 and 102 Bussell Highway, Cowaramup and identifying the land as being within a 'Structure Plan Area' as 'SPA1'.

As depicted on the Scheme Amendment Map.

Order your Bound Volumes of Government Gazette 2006

An attractively presented set of 4 Bound Volumes
of Government Gazette

For Government Departments and private firms who presently arrange binding for their copies of Government Gazettes, the State Law Publisher is now offering a subscription covering 4 Quarterly Volumes at a cost of \$1,098.90.

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

PLEASE NOTE

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

For further information please contact:

State Law Publisher

Telephone: 9321 7688

PERTH OBSERVATORY



THE W.A. SPECIALISTS IN
ASTRONOMICAL
RESEARCH & EDUCATIONAL
ASTRONOMY

Public Tours (day and night)
Field Nights, Lectures
Astronomical Information

Astronomical Handbook
Sun rise & set; Moon rise & set
Legal advice
Chronometer calibration
Astronomical souvenirs

SERVING WESTERN AUSTRALIA SINCE 1896

WALNUT ROAD, BICKLEY 6076
TELEPHONE 9293 8255 FAX 9293 8138

ASTRONOMY IS LOOKING UP