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— PART 1 —

TREASURY AND FINANCE

TR301*

Financial Management Act 2006

Financial Management (Statutory Authorities) Regulations 2015

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Financial Management (Statutory Authorities) Regulations 2015*.

2. Commencement

These regulations come into operation as follows —

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

3. Act amended

These regulations amend the *Financial Management Act 2006*.

4. Schedule 1 amended

In Schedule 1 delete the item “Coal Industry Superannuation Board”.

N. HAGLEY, Clerk of the Executive Council.

— PART 2 —

AGRICULTURE AND FOOD

AG401*

SOIL AND LAND CONSERVATION ACT 1945

SOIL AND LAND CONSERVATION DISTRICT COMMITTEE

Woodanilling Land Conservation District (Appointment of Members of District Committee) Instrument 2015

Made by the Commissioner of Soil and Land Conservation.

1. Citation

This Instrument may be cited as the *Woodanilling Land Conservation District (Appointment of Members) Instrument 2015*.

2. Appointment of members

Under section 23(2b) of the Act and Clause 5(1) of the *Soil and Land Conservation (Woodanilling Land Conservation District) Order 1987**, the following members are appointed to the land conservation district committee for the Woodanilling Land Conservation District—

- (a) on the nomination of the Shire of Woodanilling: Trevor Young of Woodanilling; and
- (b) as persons actively engaged in, or affected by or associated with, land use in the district—
 - (i) Dale Stuart Douglas of Woodanilling
 - (ii) Ian Peter Garstone of Woodanilling
 - (iii) Thomas Eric Crossley of Woodanilling
 - (iv) Sonya Lisa Harcourt-Smith of Woodanilling
 - (v) Danielle Heather Perrie of Woodanilling

(*Published in the Government Gazette on 22 May 1987 at pp. 2200-2201 and amended in the Gazettes of 26 April 1991 at pp. 1859-1860 and 21 July 1995 at p. 3069 and an Amendment Order approved by Executive Council on 9 March 1999 and amended in the Gazette of 15 January 2010 (Department of Agriculture and Food reference: 881775V03POR)).

3. Term of office

Members appointed to the committee under this instrument will hold office for a term expiring on 31 May 2018.

Dated this 5th day of May 2015.

ANDREW WATSON, Commissioner of Soil and Land Conservation.

CEMETERIES

CE401*

CEMETERIES ACT 1986

Shire of Wyndham East Kimberley

FEES AND CHARGES

In pursuance of the powers conferred by section 53 of the *Cemeteries Act 1986*, the Shire of Wyndham East Kimberley hereby records having resolved on 28th May 2015, to set the following fees effective from 1st July 2015.

All Fees and Charges are inclusive of 10% GST (except where shown as exempt)

Cemetery Fees	
For Sinking Grave 1.83m deep (Adult)	\$1,285.40
For Sinking Grave 1.83m deep (Child under 10 years)	\$1,017.90
For Sinking Grave 1.4m deep (Stillborn Child)	\$678.90
Surcharge for Weekend Interments	\$979.00

Cemetery Fees—continued	
For sinking grave deeper than normal depth (per metre or part thereof)	\$272.90
Re-opening of an Ordinary grave—as for interment	\$1,285.40
Interment in a new grave after exhumation	\$545.70
Installation of Roadside Memorial	\$323.20
Other Fees (GST exempt)	
Undertakers Annual Licence Fee	\$333.70
Undertakers Ad Hoc Licence Fee	\$84.00
Permission to erect headstone or to enclose any grave with a slab	\$34.70
Registration of Right of Burial (25 years)	\$173.20
Copy of Right of Burial	\$36.80

C. ASKEW, Chief Executive Officer.

EDUCATION

ED401*

EDITH COWAN UNIVERSITY ACT 1984

EDITH COWAN UNIVERSITY COUNCIL (APPOINTMENT OF MEMBER) INSTRUMENT 2015

Made by the Governor in Executive Council under section 9(1)(a) of the *Edith Cowan University Act 1984*.

Citation

1. This is the *Edith Cowan University Council (Appointment of Member) Instrument 2015*.

Appointment of member

2. Mr Edward Alexander Bartnik is appointed to be a member of the Council of the University for a second term of office from 12 June 2015 to 11 June 2018.

Dated this 14th day of April 2015.

N. HAGLEY, Clerk of the Executive Council.

HERITAGE

HR401*

HERITAGE OF WESTERN AUSTRALIA ACT 1990

ENTRY OF PLACES IN THE REGISTER OF HERITAGE PLACES

PERMANENT REGISTRATION

Notice is hereby given in accordance with Section 51(2) of the *Heritage of Western Australia Act 1990* that, pursuant to a direction from the Minister for Heritage, the place described below has been entered in the Register of Heritage Places on a permanent basis with effect from today.

Shenton Park Rehabilitation Hospital at 6 Selby Street, Shenton Park; Ptn of Lot 3240 on DP 34515 being pt of the land in C/T V 2821 F 285 as to the ptn labelled "M" on IODP 405281.

GRAEME GAMMIE, A/Executive Director,
Department of the State Heritage Office,
Bairds Building, 491 Wellington Street,
Perth WA 6000.

12 May 2015.

LOCAL GOVERNMENT

LG401***LOCAL GOVERNMENT ACT 1995***City of Swan***(BASIS OF RATES)**

This notice, which is for public information only, is to confirm that—

I, Brad Jolly, being delegated by the Minister of the Crown to whom the administration of the *Local Government Act 1995* is committed by the Governor, and acting pursuant to section 6.28 (1) of that Act, hereby, and with effect from the date of Gazettal, determined that the method of valuation to be used by the City of Swan as the basis for a rate in respect of the land referred to in the Schedule is to be the gross rental value of the land—

Schedule

	Designated Land
UV to GRV	All that portion of land being Lot 500 as shown on Deposited Plan 402758.

BRAD JOLLY, Executive Director Sector Regulation and Support,
Department of Local Government and Communities.

MARINE/MARITIME

MA401***WESTERN AUSTRALIAN COASTAL SHIPPING COMMISSION ACT 1965****NOTICE OF VACANCY ON COMMISSION**

Under the *Western Australian Coastal Shipping Commission Act 1965* section 11(1), the office of Commissioner to which Sue McCarrey was appointed for a period expiring on 15 October 2017 is declared to be vacant as from and including the date on which this notice is published in the *Government Gazette*.

N. HAGLEY, Clerk of the Executive Council.

MA402***WESTERN AUSTRALIAN MARINE ACT 1982****NAVIGABLE WATERS REGULATIONS 1958****PROHIBITED SWIMMING AREA****Pyrotechnic Display***Mosman Bay, Swan River*

Department of Transport,
Fremantle WA, 12 May 2015.

Acting pursuant to the powers conferred by Regulation 10A (b) of the *Navigable Waters Regulations 1958*, I hereby close all of the following waters to swimming, between the hours of 8:30pm and 9:30pm Saturday 16 May 2015—

Mosman's Restaurant, Mosman Bay, Swan River

Area of Closure: All the waters within a 150 metre radius of the firing barge located at approximately 32° 00.432'S, 115°46.421'E.

This area is set aside for safety measures during the set up and display of pyrotechnics. Mariners are advised to navigate with caution.

PETER BEATTIE, Acting Director of Waterways Safety Management,
Department of Transport.

PLANNING

PL401*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT*Shire of Boyup Brook*

Town Planning Scheme No. 2—Amendment No. 15

Ref: TPS/1043

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the Shire of Boyup Brook local planning scheme amendment on 7 April 2015 for the purpose of—

1. Replacing Clause 1.7 Definitions as follows—
 - 1.7.1 Unless the context otherwise requires, words and expressions used in the Scheme have the same meaning as they have—
 - (a) in the Planning and Development Act; or
 - (b) if they are not defined in that Act—
 - (i) in the Dictionary of defined words and expressions in Schedule 1; or
 - (ii) in the Residential Design Codes.
 - 1.7.2 If there is a conflict between the meaning of a word or expression in the Dictionary of defined words and expressions in Schedule 1 and the meaning of that word or expression in the Residential Design Codes—
 - (a) in the case of a residential development, the definition in the Residential Design Codes prevails; and
 - (b) in any other case the definition in the Dictionary prevails.
 - 1.7.3 Notes, and instructions printed in italics, are not part of the Scheme.
2. Revise Clause 2.1.4 to read as follows—

‘In considering any application, the Council shall have regard to Clause 3.4.3, the ultimate purpose intended for the Reserve and shall, in the case of land reserved for the purpose of a public authority, confer with that authority before giving its approval.’
3. Insert the following note after Clause 2.1.4—

‘Note: Under Section 6 of the Planning and Development Act, the Crown, statutory authorities and local governments undertaking, constructing or providing public works are exempt from the requirements to obtain planning approval but are required to consult with the local government and to have regard to the intent of the Scheme and local amenity.’
4. Replace Clause 3.2.2.2(iii) Boyup Brook Townsite—West Policy Area with—

‘Proposals for Special Rural rezoning and subdivision within the area shall accord with the Rural Strategy.’
5. Delete Clause ‘3.2.2.4 Special Rural Policy Areas’.
6. Replace Clause 3.3.2 (iv) to read as follows—

The erection on a lot of a single dwelling house, including ancillary outbuildings, in a zone where the proposed use is designated with the symbol “P” in the cross reference to that zone in the Zoning Table, except where—

 - (a) the proposal requires the exercise of a discretion by the local government under the Scheme to vary the provisions of the Residential Design Codes;
 - (b) the development will be located in a heritage area designated under the Scheme; or
 - (c) approval is required under Clause 5.21 for lots without legal road frontage and or constructed road access.
7. Replace Clause 3.3.2 (vi) to read as follows—

The carrying out of works for the maintenance, improvement or other alteration of any building, being works which affect only the interior of the building or which do not materially affect the external appearance of the building except where the building is—

 - (a) located in a place that has been entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*;
 - (b) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
 - (c) included on the Heritage List under Clause 6.2 of the Scheme.

8. In Clause 3.3.2 include the following after (vii)—

- (viii) The demolition of any building or structure except where the building or structure is—
 - (a) located in a place that has been entered in the Register of Places under the *Heritage of Western Australia Act 1990*;
 - (b) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*;
 - (c) included on the Heritage List under Clause 6.2 of the Scheme; or
 - (d) located within a heritage area designated under the Scheme.
- (ix) A home office;
- (x) Any of the exempted classes of advertisements listed in Schedule 9 except in respect of a place included in the Heritage List or in a heritage area.'

9. Replace Clause 3.4.3 with—

3.4.3 The Council in considering an application for planning approval is to have due regard to such of the following matters as are in the opinion of the local government relevant to the use or development the subject of the application—

- (a) the aims and provisions of the Scheme;
- (b) the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;
- (c) any approved state planning policy of the Commission;
- (d) any approved environmental protection policy under the *Environmental Protection Act 1986*;
- (e) any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State;
- (f) any Local Planning Policy adopted by the local government under Clause 9.6, any heritage policy statement for a designated heritage area adopted under Clause 6.3, and any other plan or guideline adopted by the local government under the Scheme;
- (g) in the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;
- (h) the conservation of any place that has been entered in the Register within the meaning of the *Heritage of Western Australia Act 1990*, or which is included in the Heritage List under Clause 6.2, and the effect of the proposal on the character or appearance of a heritage area;
- (i) the compatibility of a use or development with its setting;
- (j) any social issues that have an effect on the amenity of the locality;
- (k) the cultural significance of any place or area affected by the development;
- (l) the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;
- (m) Whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire, site contamination, acid sulphate soils and possibly salinity or any other risk;
- (n) the preservation of the amenity of the locality;
- (o) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;
- (p) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;
- (q) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- (r) whether public transport services are necessary and, if so, whether they are available and adequate for the proposal;
- (s) whether public utility services are available and adequate for the proposal;
- (t) whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
- (u) whether adequate provision has been made for access by disabled persons;
- (v) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;

- (w) whether the proposal is likely to cause soil erosion or land degradation;
 - (x) the potential loss of any community service or benefit resulting from the planning approval;
 - (y) any relevant submissions received on the application;
 - (z) the comments or submissions received from any authority; and
 - (za) any other planning consideration the local government considers relevant.
10. Insert Clauses 3.4.6 and 3.4.7 as follows and renumber the existing Clause 3.4.6 as 3.4.8—
- 3.4.6 An application for planning approval which is the subject of a notice under Clause 3.5 is deemed to be refused where a determination in respect of that application is not conveyed to the applicant by the local government within 90 days of the receipt of the application by the local government, or within such further time as is agreed in writing between the applicant and the local government.
- 3.4.7 Despite an application for planning approval being deemed to have been refused, the local government may issue a determination in respect of the application at any time after the expiry of the period specified in Clause 3.4.5 or 3.4.6, as the case requires, and that determination is as valid and effective from the date of determination as if it had been made before the period expired.
11. Replace Clause 5.1.2.1 with—
- ‘Unless otherwise shown on the Scheme Maps, the R15 coding applies within the Residential zone.’
12. Replace Clause 5.14 with the following—
- 5.14 **LAND LIABLE TO FLOODING**
- 5.14.1 A person shall not carry out any development on land (or portion(s) thereof) identified as flood prone land, unless—
- (i) where no works have been carried out to protect the land from flooding, the floor of any dwelling or other habitable building is, or will be, raised a minimum of 50 centimetres above the 1 in 100 flood level, as determined by the local government, or where a 1 in 100 flood level has not been determined, above the maximum recorded flood level; or
 - (ii) in any other case, the local government is satisfied that adequate measures have been taken to offset the likely effects of flooding on the development concerned.
- 5.14.2 In considering an application the local government shall have regard to—
- (i) the effect of the proposed development on the efficiency and capacity of the floodway to carry and discharge flood water;
 - (ii) the safety of the proposed development in time of flood; and
 - (iii) whether the proposed development involves any possible risk to life, human safety or private property in time of flood.
- 5.14.3 For the purposes of sub-Clause 5.14.1 and 5.14.2, the local government may consult with, and take into consideration, the advice of the Department of Health or the Department of Water, in relation to the delineation of floodways and flood prone land, the effect of the development on a floodway, and any other measures to offset the effects of flooding.’
13. Replace Clause 5.17.3(i) with—
- ‘Require the applicant or owner to obtain a building license in accordance with Section 9 of the *Building Act 2011*.’
14. Revise Clause 5.18 to read as follows—
- In addition to those other matters contained in Clause 5.2, Council shall, in considering applications for ‘Plantations’, have regard to—
- (i) The Code of Practice for Timber Plantations in Western Australia;
 - (ii) Council’s Firebreak Order; and
 - (iii) FESA’s Guidelines for Plantation Fire Protection.
15. Insert Clause 5.21 as follows—
- 5.21 **DEVELOPMENT OF LAND WITH NO ACCESS**
- 5.21.1 The approval of Council is required to use or develop land where—
- (i) It abuts an unconstructed road reserve and no alternative means of access has been approved by Council; or
 - (ii) It has no frontage to a road reserve and no alternative means of access has been approved by Council.

5.21.2 In considering such an application the Council may either—

- (i) refuse the application; or
- (ii) approve the application subject to a condition requiring the construction of the road to the local government's prescribed standard; or
- (iii) approve the application subject to a condition requiring such other arrangements to be made for permanent access to the land to the satisfaction of the Council.

16. Insert Clause 5.22 as follows—

5.22 TOURIST ACCOMMODATION AND FACILITIES

5.22.1 The use and development of land for a tourist resort may only occur on a lot which has been included in either the Special Use or Additional Use zones.

5.22.2 That in considering an application for a tourist use the Council will have regard to—

- (a) the objectives of the zone;
- (b) the likely impact upon surrounding development;
- (c) the scale and intensity of the development;
- (d) appropriate setbacks to existing or proposed agricultural uses;
- (e) the effect that existing or proposed agricultural uses could have on the proposal;
- (f) provision of services for the development including water supply, on site effluent disposal, solid waste disposal and electricity;
- (g) access to and from the site;
- (h) impact of the development upon landscape values;
- (i) protection of remnant vegetation;
- (j) the impact on any rare and threatened flora and fauna; and
- (k) fire management.

17. Replace Clause 6.2 with—

6.2 HERITAGE LIST

6.2.1 The local government is to establish and maintain a Heritage List, to identify those places within the Scheme area which are of cultural heritage significance and worthy of conservation under the provisions of the Scheme, together with a description of each place and the reasons for its entry.

6.2.2 In the preparation of the Heritage List the local government is to—

- (a) have regard to the municipal inventory prepared by the local government under section 45 of the *Heritage of Western Australia Act 1990*;
- (b) include on the Heritage List such of the entries on the municipal inventory as it considers to be appropriate; and
- (c) until such time as Council has established a Heritage List, the Heritage List means the municipal inventory prepared by Council pursuant to section 45 of the *Heritage of Western Australia Act 1990*.

6.2.3 In considering a proposal to include a place on the Heritage List the local government is to—

- (a) notify in writing the owner and occupier of the place and provide them with a copy of the description proposed to be used under Clause 6.1.1 and the reasons for the proposed entry;
- (b) invite submissions on the proposal from the owner and occupier of the place within 21 days of the day the notice is served;
- (c) carry out such other consultations as it thinks fit; and
- (d) consider any submissions made and resolve to enter the place the Heritage List with or without modification or reject the proposal after consideration of the submissions.

6.2.4 Where a place is included on the Heritage List, the local government is to give notice of the inclusion to the Commission, the Heritage Council of Western Australia and to the owner and occupier of the place.

6.2.5 The local government is to keep a copy of the Heritage List with the Scheme documents for public inspection.

6.2.6 The local government may remove or modify the entry of a place on the Heritage List by following the procedures set out in Clause 6.2.3.

18. Replace 'TABLE NO. 1—ZONING TABLE' with the following—

	Land Use	Residential 1	Commercial 2	Light Industrial 3	General Industrial 4	Rural 5	Urban 6	Special Rural 7	Special Use 8	Additional Use 9	Rural Small Holdings 10
1	Agriculture—extensive	-	-	-	-	P	-	Refer to Schedule 3	Refer to Schedule 4	Refer to Schedule 5	AA
2	Agriculture—intensive	-	-	-	-	AA	-				SA
3	Agroforestry	-	-	-	-	P	-				AA
4	Alley Farming	-	-	-	-	P	-				AA
5	Amusement Parlour	-	AA	-	-	-	-				-
6	Ancillary Accommodation	-	IP	-	-	IP	IP				IP
7	Animal Establishment	-	-	SA	-	SA	-				-
8	Animal Husbandry Intensive	-	-	-	-	AA	-				-
9	Art Gallery	AA	P	-	-	IP	AA				-
10	Bed and Breakfast	SA	-	-	-	AA	AA				AA
11	Betting Agency	-	AA	-	-	-	-				-
12	Cabin	-	-	-	-	AA	AA				AA
13	Camping Ground	-	-	-	-	AA	AA				-
14	Caravan Park	-	-	-	-	AA	AA				-
15	Caretaker's Dwelling	-	IP	IP	IP	-	AA				-
16	Carpark	-	AA	AA	AA	AA	AA				-
17	Chalet	-	-	-	-	AA	AA				AA
18	Child Care Service	SA	AA	AA	-	SA	AA				-
19	Cinema/theatre	-	AA	-	-	-	-				-
20	Civic Use	AA	P	-	-	AA	P				-
21	Club Premises	-	P	AA	-	AA	AA				-
22	Community Purpose	AA	AA	-	-	AA	-				-
23	Consulting Rooms	SA	AA	AA	-	IP	AA				-
24	Convenience Store	-	P	-	-	-	-				-
25	Corrective Institution	-	-	-	-	SA	-				-
26	Dry Cleaning Premises	-	AA	AA	-	-	AA				-
27	Eco Tourist Facility	-	-	-	-	AA	-				-
28	Educational Establishment	AA	AA	AA	-	AA	AA				-
29	Entertainment Centre	-	AA	-	-	SA	-				-
30	Exhibition Centre	-	AA	-	-	-	-				-
31	Family Day Care	SA	-	-	-	AA	-				-
32	Farm Stay	-	-	-	-	AA	-				AA
33	Farm Worker's Accommodation	-	-	-	-	AA	-				-
34	Fast Food Outlet	-	AA	AA	-	-	AA				-
35	Fuel Depot	-	-	AA	AA	-	-				-
36	Funeral Parlour	-	AA	AA	-	-	AA				-
37	Grouped Dwelling	AA	AA	-	-	-	AA				-
38	Guesthouse	SA	AA	-	-	AA	SA				SA

	Land Use	Residential 1	Commercial 2	Light Industrial 3	General Industrial 4	Rural 5	Urban 6	Special Rural 7	Special Use 8	Additional Use 9	Rural Small Holdings 10
39	Holiday Home	AA	-	-	-	AA	AA	Refer to Schedule 3	Refer to Schedule 4	Refer to Schedule 5	P
40	Home Business	-	-	-	-	AA	SA				AA
41	Home Occupation	AA	-	-	-	AA	AA				P
42	Home Office	P	-	-	-	P	P				P
43	Home Store	-	AA	-	-	-	-				-
44	Hospital	SA	-	-	-	AA	AA				-
45	Hotel	-	SA	-	-	SA	AA				-
46	Industry—Cottage	AA	AA	P	-	AA	AA				AA
47	Industry—Extractive	-	-	-	-	SA	-				-
48	Industry—General	-	-	-	AA	-	-				-
49	Industry—Hazardous	-	-	-	SA	-	-				-
50	Industry—Light	-	-	P	P	-	AA				-
51	Industry—Noxious	-	-	-	AA	SA	-				-
52	Industry—Rural	-	-	AA	AA	AA	-				AA
53	Industry—Service	-	AA	P	-	SA	SA				-
54	Laundromat	-	AA	AA	-	-	AA				-
55	Liquor Store	-	AA	AA	-	-	AA				-
56	Lunch bar	-	AA	SA	-	-	-				-
57	Market	-	AA	AA	-	SA	SA				-
58	Medical Centre	SA	AA	-	-	AA	AA				-
59	Motel	-	AA	-	-	-	AA				-
60	Motor Vehicle Boat or Caravan Sales	-	AA	AA	-	-	AA				-
61	Motor Vehicle Repair	-	AA	AA	AA	AA	AA				-
62	Motor Vehicle Wash	-	SA	AA	AA	-	-				-
63	Motor Vehicle Wrecking	-	-	AA	AA	SA	AA				-
64	Multiple Dwelling	SA	-	-	-	-	-				-
65	Museum	-	AA	-	-	AA	AA				-
66	Night Club	-	SA	-	-	-	-				-
67	Nursery	-	AA	AA	-	AA	AA				-
68	Office	-	P	IP	IP	-	AA				IP
69	Park Home Park	-	-	-	-	AA	-				-
70	Parking—Commercial Vehicles	SA	IP	P	P	IP	AA				AA
71	Parking—Heavy Haulage Vehicles	SA	IP	P	P	IP	AA				SA
72	Place of Public Assembly	AA	AA	-	-	AA	AA				-
73	Place of Worship	AA	AA	-	-	AA	AA				-
74	Plantation	-	-	-	-	AA	-				AA
75	Public Amusement	-	P	AA	-	AA	AA				-
76	Reception Centre	-	AA	-	-	SA	-				-
77	Recreation—Private	-	AA	AA	-	AA	AA				-

	Land Use	Residential 1	Commercial 2	Light Industrial 3	General Industrial 4	Rural 5	Urban 6	Special Rural 7	Special Use 8	Additional Use 9	Rural Small Holdings 10
78	Residential Building	SA	AA	-	-	AA	AA	Refer to Schedule 3	Refer to Schedule 4	Refer to Schedule 5	-
79	Restaurant	-	P	-	-	AA	AA				AA
80	Restricted Premises	-	-	SA	-	-	-				-
81	Rural Home Business	-	-	-	-	-	-				SA
82	Rural Pursuit	-	-	-	-	P	-				SA
83	Service Station	-	AA	SA	-	SA	AA				-
84	Serviced Apartment	SA	AA	-	-	SA	-				-
85	Shop	-	P	-	-	-	AA				-
86	Showroom	-	AA	AA	-	-	AA				-
87	Single House	P	AA	-	-	P	P				P
88	Storage	-	-	P	P	AA	-				-
89	Tavern	-	P	SA	-	-	AA				-
90	Telecommunications Infrastructure	AA	AA	AA	AA	AA	AA				AA
91	Trade Display	-	AA	AA	IP	-	AA				-
92	Transport Depot	-	-	AA	AA	P	AA				SA
93	Veterinary Centre	-	AA	AA	-	AA	AA				SA
94	Warehouse	-	P	P	P	AA	AA				-
95	Wayside Stall	-	AA	-	-	AA	AA				AA
96	Winery	-	-	AA	AA	AA	-				-
97	Woodyard	-	-	P	P	AA	AA				AA

19. Amending 'Schedule 3 Special Rural' zones as follows—

i. In relation to 'Special Rural Zone No. 1', replace provision '(iv)' with the following—

Uses permitted within the zone are—

Ancillary Accommodation	(P)
Bed and Breakfast	(AA)
Cabin	(AA)
Chalet	(SA)
Guesthouse	(SA)
Holiday Home	(P)
Home Business	(AA)
Home Occupation	(AA)
Home Office	(P)
Industry—Cottage	(AA)
Industry—Light	(SA)
Industry—Rural	(SA)
Public Recreation	(P)
Rural Pursuit	(AA)
Single House	(P)
Transport Depot	(SA)
Woodyard	(SA)

All other uses are not permitted.

ii. In relation to 'Special Rural Zone No's '2', '3' and '4', replace provision '(iv)' with the following—

Uses permitted within the zone are—

Ancillary Accommodation	(P)
Bed and Breakfast	(AA)

Cabin	(AA)
Chalet	(SA)
Guesthouse	(SA)
Holiday Home	(P)
Home Business	(AA)
Home Occupation	(AA)
Home Office	(P)
Industry—Cottage	(AA)
Public Recreation	(P)
Rural Pursuit	(AA)
Single House	(P)

All other uses are not permitted.

- iii. In relation to 'Special Rural Zones No's '5' and '6', replace provision (iv)' with the following—

Uses permitted within the zone are—

Ancillary Accommodation	(P)
Bed and Breakfast	(AA)
Cabin	(AA)
Caretaker's House	(IP)
Chalet	(SA)
Guesthouse	(SA)
Holiday Home	(P)
Home Business	(AA)
Home Occupation	(IP)
Home Office	(P)
Industry—Cottage	(AA)
Market Gardens	(AA)
Rural Pursuit	(AA)
Single House	(P)
Veterinary Centre	(SA)

All other uses are not permitted.

- iv. In relation to 'Special Rural Zone No. 7', replace provisions '5' and '6' with the following—

5. Uses permitted within the zone are—

Ancillary Accommodation	(P)
Bed and Breakfast	(AA)
Cabin	(AA)
Chalet	(SA)
Guesthouse	(SA)
Holiday Home	(P)
Home Business	(AA)
Home Occupation	(P)
Home Office	(P)
Industry—Cottage	(AA)
Intensive Agriculture	(SA)
Rural Pursuit	(SA)
Single House	(P)

6. Intensive Agriculture shall only be permitted on the "vineyard lot" as shown on the Subdivision Guide Plan.

- v. In relation to 'Special Rural Zone No. 8', replace provisions '4(a)', '(b)' and '(c)' with the following and renumber provisions '(d)' and '(e)' accordingly.

Uses permitted within the zone are—

Ancillary Accommodation	(P)
Bed and Breakfast	(AA)
Cabin	(AA)
Chalet	(SA)
Guesthouse	(SA)
Holiday Home	(P)
Home Business	(AA)
Home Occupation	(P)
Home Office	(P)
Industry- Cottage	(AA)
Single House	(P)

All other uses are not permitted.

20. Updating the 'TABLE OF CONTENTS'.

21. Replacing SCHEDULE 1—INTERPRETATIONS with the following—

1. GENERAL DEFINITIONS

In the Scheme—

“Act” means the *Planning and Development Act 2005*;

“absolute majority” has the same meaning given to the term in the *Local Government Act 1995*;

“advertisement” means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements. The term includes any airborne device anchored to any land or building and any vehicle or trailer or other similar object placed or located so as to serve the purpose of advertising;

“amenity” means all those factors which combine to form the character of an area and shall include the present and likely future amenity;

“Building Code of Australia” means the *Building Code of Australia 1996*.

“building envelope” means an area of land within a lot marked on a plan approved by the responsible authority within which all buildings and effluent disposal facilities on the lot must be contained;

“commercial vehicle” Any vehicle which Council considers to be used for, or engaged in, commerce.

“Commission” means the Western Australian Planning Commission established under Section 7 of the *Act*;

“conservation” has the same meaning given as in the *Heritage of Western Australia Act 1990*;

“council” means the Council of the Shire of Boyup Brook

“cultural heritage significance” has the same meaning as in the *Heritage of Western Australian Act 1990*;

“development” has the same meaning given to the term in the *Act*.

“district” has the same meaning given to the term in the *Act*.

“floor area” has the same meaning as in the *Building Code of Australia 1996* published by the Australian Building codes Board;

“frontage”, when used in relation to a building that is used for—

- (a) residential purposes, has the same meaning as in the Residential Design Codes; and
- (b) purposes other than residential purposes, means the road alignment at the front of a lot and, if a lot abuts 2 or more roads, the one to which the building or proposed building faces;

“gazettal date”, in relation to a Scheme, means the date on which the Scheme is published in the *Gazette* under section 87(3) of the *Act*;

“heavy haulage vehicle” Any vehicle normally associated with the transportation of goods, livestock or other uses (and includes buses) which Council considers to be of a commercial nature which, due to its size or load, is unable to be completely housed in a domestic garage or domestic outbuilding having a maximum floor area of 45m² and in which no horizontal dimension is more than 15 metres.

“height” when used in relation to a building that is used for—

- (a) residential purposes, has the same meaning as in the Residential Design Codes; or
- (b) purposes other than residential purposes, means the maximum vertical distance between the ground level and the finished roof height directly above;

“incidental use” means a use of premises which is ancillary and subordinate to the predominant use;

“land” has the same meaning given to the term in the *Act*.

“local government” means the Shire of Boyup Brook;

“lot” has the same meaning as in the *Act* but does not include a strata or survey strata lot;

“minerals” has the same meaning as in the *Mining Act 1978*;

“Minister” means the Minister for Planning;

“net lettable area (nla)” means the area of all floors within the internal finished surfaces of permanent walls but excludes the following areas—

- (a) all stairs, toilets, cleaner's cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;
- (b) lobbies between lifts facing other lifts serving the same floor;

- (c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;
- (d) areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building;

“non-conforming use” has the same meaning as it has in section 172 of the Act;

“owner”, in relation to any land, includes the Crown and every person who jointly or severally whether at law or in equity—

- (a) is entitled to the land for an estate in fee simple in possession;
- (b) is a person to whom the Crown has lawfully contracted to grant the fee simple of that land;
- (c) is a lessor or licensee from the Crown; or
- (d) is entitled to receive or is in receipt of, or if the land were let to a tenant, would be entitled to receive, the rents and profits from the land, whether as a beneficial owner, trustee, mortgagee in possession or otherwise;

“place”, in Part 7 (Heritage Protection) has the same meaning as it has in the *Heritage of Western Australia Act 1990*;

“Planning and Development Act” means the Act;

“plot ratio” in the case of residential dwellings has the same meaning as in the Residential Design Codes;

“precinct” means a definable area where particular planning policies, guidelines or standards apply;

“predominant use” means the primary use of premises to which all other uses carried out on the premises are subordinate, incidental or ancillary;

“premises” means land or buildings;

“public authority” shall have the same meaning given to term in the Act;

“Residential Design Codes” means the Residential Design Codes in Appendix 2 to the Western Australian Planning Commission Statement of Planning Policy No 1, as amended from time to time;

“retail” means the sale or hire of goods or services to the public;

“rural strategy” means the Local Rural Strategy, as endorsed by the Commission 24th May 2010 and any amendments thereto.

“schedule” means a schedule to the Scheme

“shire” means the Shire of Boyup Brook

“substantially commenced” means that work or development the subject of a planning approval has been begun by the performance of some substantial part of that work or development.

“wholesale” means the sale of goods or materials to be sold by others;

“zone” means a portion of the Scheme area shown on the map by distinctive colouring, patterns, symbols, hatching or edging for the purpose of indicating the restrictions imposed by the Scheme on the use and development of land, but does not include a reserve or special control area.

2. LAND USE DEFINITIONS

In the Scheme—

“agriculture—extensive” means premises used for the raising of stock or crops but does not include agriculture—intensive or animal husbandry—intensive;

“agriculture—intensive” means premises used for trade or commercial purposes, including outbuildings and earthworks, associated with the following—

- (a) the production of grapes, vegetables, flowers, exotic and native plants, or fruit or nuts;
- (b) the establishment and operation of plant and fruit nurseries;
- (c) the development of land for irrigated fodder production and irrigated pasture (including turf farms); or
- (d) aquaculture;

“agroforestry” means any planting of trees on farms where there is some degree of planned integration of commercial tree production and conventional agriculture, consisting of belts, small blocks or widely dispersed trees.

“alley farming” means a form of agroforestry where trees are arranged in belts with conventional agriculture in the ‘alley’ between trees.

“amusement parlour” means premises open to the public, where the predominant use is for amusement by means of amusement machines and where there are more than 2 amusement machines operating within the premises;

“ancillary accommodation” has the same meaning given to the term ancillary dwelling in the Residential Design Codes;

- “ancillary dwelling”** has the same meaning given to the term in the Residential Design Codes;
- “animal establishment”** means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry—intensive or veterinary centre;
- “animal husbandry—intensive”** means premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) and other livestock in feedlots;
- “art gallery”** means premises used for the showing of works of art.
- “bed and breakfast”** means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast;
- “betting agency”** means an office or totalisator agency established under the *Racing and Wagering Western Australia Act 2003*;
- “cabin”** means an individual self-contained unit similar to chalet but may lack ensuite facilities and may comprise only one room and is designed for short-stay guests, forming part of a tourism facility and where occupation by any person is limited to a maximum of three months in any 12-month period.
- “camping ground”** has the same meaning as in the *Caravan Parks and Camping Grounds Act 1995*;
- “caravan park”** has the same meaning as in the *Caravan Parks and Camping Grounds Act 1995*;
- “caretaker’s dwelling”** means a dwelling on the same site as a building, operation, or plant, and occupied by a supervisor of that building, operation or plant;
- “carpark”** means premises used primarily for parking vehicles whether open to the public or not but does not include any part of a public road used for parking or for a taxi rank, or any premises in which cars are displayed for sale;
- “chalet”** means an individual self-contained unit usually comprising cooking facilities, ensuite, living area and one or more bedrooms designed to accommodate short-stay guests, forming part of a tourism facility and where occupation by any person is limited to a maximum of three months in any 12-month period.
- “child care service”** has the same meaning as in the *Child Care Services Act 2007*;
- “cinema/theatre”** means premises where the public may view a motion picture or theatrical production;
- “civic use”** means premises used by a government department, an instrumentality of the Crown, or the local government, for administrative, recreational or other purposes;
- “club premises”** means premises used by a legally constituted club or association or other body of persons united by a common interest;
- “community purpose”** means the use of premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit;
- “consulting rooms”** means premises used by no more than 2 health consultants for the investigation or treatment of human injuries or ailments and for general outpatient care;
- “convenience store”** means premises—
- (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens and newsagents, or the retail sale of petrol and those convenience goods;
 - (b) operate during hours which include, but may extend beyond, normal trading hours;
 - (c) which provide associated parking; and
 - (d) the floor area of which does not exceed 300 m² net lettable area;
- “corrective institution”** means premises used to hold and reform persons committed to it by a court, such as a prison and other type of detention facility;
- “dry cleaning premises”** means commercial premises used for the cleaning of garments and other fabrics by chemical processes.
- “dwelling”** has the same meaning given to the term in the Residential Design Codes;
- “eco-tourist facility”** means a form of tourist accommodation that is designed, constructed, operated and of a scale so as not to destroy the natural resources and qualities that attract tourists to the location. The development should utilise sustainable power, have a low energy demand through incorporation of passive solar design, provide for low water consumption, ecologically sensitive waste processing and disposal with no pollutant product.
- “educational establishment”** means premises used for the purposes of education and includes a school, tertiary institution, business college, academy or other educational centre;

“entertainment centre” means land and buildings used for the amusement and entertainment of the public and includes amusement parlour, club premises, cinema/theatre, and reception centre.

“exhibition centre” means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature, and includes a museum or art gallery;

“family day care” has the same meaning as in the *Child Care Services Act 2007*;

“farm stay” means a residential building, bed and breakfast, chalet or similar accommodation unit used to accommodate short-stay guests on a farm or rural property and where occupation by any person is limited to a maximum of three months in any 12-month period;

“farm workers’ accommodation” means accommodation for persons involved in the operation of an agricultural enterprise;

“fast food outlet” means premises 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;

“fuel depot” means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel, but does not include a service station and specifically excludes the sale by retail into a vehicle for final use of such fuel from the premises;

“funeral parlour” means premises used to prepare and store bodies for burial or cremation;

“guesthouse” means integrated premises for short-stay guests comprising serviced accommodation units and on-site tourism facilities such as reception, centralised dining, and management, and where occupation by any person is limited to a maximum of three months in any 12-month period.

“grouped dwelling” has the same meaning given to the term in the Residential Design Codes;

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

“home business” means a business, service or profession carried out in a dwelling or on land or in buildings 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 50m²;
- (d) does not involve the retail sale, display or hire of goods of any nature;
- (e) in relation to vehicles and parking, will not result in traffic difficulties as a result 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 20m²;
- (d) does not display a sign exceeding 0.2m²;
- (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;

“home store” means any shop with a net lettable area not exceeding 100m² attached to a dwelling and which is operated by a person resident in the dwelling;

“hospital” means premises in which persons are admitted and lodged for medical treatment or care and includes a maternity hospital;

“hotel” means premises providing accommodation the subject of a hotel licence under the *Liquor Control Act 1988*, and may include a betting agency on those premises, but does not include a tavern or motel;

“industry” means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance and repairing of goods, products, articles, materials or substances and includes premises on the same land used for—

- (a) the storage of goods;
- (b) the work of administration or accounting;
- (c) the selling of goods by wholesale or retail; or
- (d) the provision of amenities for employees,

incidental to any of those industrial operations;

“industry—cottage” means a trade or light industry producing arts and crafts goods which does not fall within the definition of a home occupation and which—

- (a) does not cause injury to or adversely affect the amenity of the neighbourhood;
- (b) where operated in a residential zone, does not employ any person other than a member of the occupier’s household;
- (c) is conducted in an out-building which is compatible within the principal uses to which land in the zone in which it is located may be put;
- (d) does not occupy an area in excess of 50m²; and
- (e) does not display a sign exceeding 0.2m² in area;

“industry—extractive” means an industry which involves the extraction, quarrying or removal of sand, gravel, clay, hard rock, stone or similar materials from the land and includes the treatment and storage of those materials, or the manufacture of products from those materials on, or adjacent to, the land from which the materials are extracted, but does not include industry—mining;

“industry—general” means an industry other than a cottage, extractive, light, mining, rural or service industry;

“industry—hazardous” means an industry which by reason of the process involved or the methods of manufacture, or the nature of the materials used or produced requires isolation from other buildings.

“industry—light” means an industry—

- (a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises do not cause any injury to or adversely affect the amenity of the locality;
- (b) the establishment or conduct of which does not, or will not, impose an undue load on any existing or proposed service for the supply or provision of essential services;

“industry—mining” means land used commercially to extract minerals from the land;

“industry—noxious” means an industry in which the processes involved constitute an offensive trade within the meaning of the *Health Act* (as amended), but does not include a fish shop, dry cleaning premises, laundromat, piggery or poultry farm.

“industry—rural” means—

- (a) an industry handling, treating, processing or packing rural products; or
- (b) a workshop servicing plant or equipment used for rural purposes;

“industry—service” means—

- (a) an industry—light carried out from premises which may have a retail shop front and from which goods manufactured on the premises may be sold; or
- (b) premises having a retail shop front and used as a depot for receiving goods to be serviced;

“laundromat” means a building open to the public, in which coin-operated or other washing machines, with or without provision for drying clothes, are available for use.

“liquor store” means any land or buildings the subject of a Store License granted under the provisions of the *Liquor Control Act 1988* (as amended).

“lodge”—see “guesthouse”.

“lunch bar” means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas;

- “market”** means premises used for the display and sale of goods from stalls by independent vendors;
- “medical centre”** means premises, other than a hospital, used by one or more health consultant(s) for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment, and counselling);
- “motel”** means premises used to accommodate patrons in a manner similar to a hotel but in which specific provision is made for the accommodation of patrons with motor vehicles and may comprise premises licenced under the *Liquor Control Act 1988*;
- “motor vehicle, boat or caravan sales”** means premises used to sell or hire motor vehicles, boats or caravans;
- “motor vehicle repair”** means premises used for or in connection with—
- (a) electrical and mechanical repairs, or overhauls to vehicles;
 - (b) repairs to tyres;
- but does not include premises used for recapping or retreading of tyres, panel beating, spray painting or chassis reshaping;
- “motor vehicle wash”** means premises where the primary use is the washing of motor vehicles;
- “motor vehicle wrecking”** means land and buildings used for the storage, breaking up or dismantling of motor vehicles and includes the sale of second-hand motor vehicle accessories and spare parts.
- “multiple dwelling”** has the same meaning given to the term in the Residential Design Codes;
- “museum”** means land and buildings used for storing and exhibiting objects illustrative of antiquities, natural history, art, nature and curiosities.
- “night club”** means premises—
- (a) used for entertainment with or without eating facilities; and
 - (b) licensed under the *Liquor Control Act 1988*;
- “nursery”** means any land or building used for the propagation, rearing and sale of plants and the storage and sale of products associated with horticultural and garden activities;
- “office”** means premises used for administration, clerical, technical, professional or other like business activities;
- “park home park”** shall have the same meaning as in the *Caravan Parks and Camping Grounds Regulations 1997*;
- “parking—commercial vehicles”** means the use of a site or building for the parking or temporary storage of commercial vehicles (as defined above) but does not include any part of a public road used for parking of such vehicles or any land or buildings in which such vehicles are displayed for sale and does not include the undertaking of any repairs to such vehicles. *AMD 6 GG 10/8/99*
- “parking—heavy haulage vehicles”** means the use of a site or building for the parking or temporary storage of heavy haulage vehicles (as defined above) but does not include any part of a public road used for parking of such vehicles or any land or buildings in which such vehicles are displayed for sale and does not include the undertaking of any repairs to such vehicles. *AMD 6 GG 10/8/99*
- “place of public assembly”** means land and buildings used as a special place of assembly including grounds for athletics, all sporting grounds with spectator provision, race courses, trotting tracks, studio or showgrounds.
- “place of worship”** means premises used for religious activities such as a church, chapel, mosque, synagogue or temple;
- “plantation”** has the same meaning as in the *Code of Practice for Timber Plantations in Western Australia (2006)* published by the Department of Conservation and Land Management and the Australian Forest Growers;
- “public amusement”** means land and buildings used for the amusement or entertainment of the public, with or without charge.
- “reception centre”** means premises used for functions on formal or ceremonial occasions but not for unhosted use for general entertainment purposes;
- “recreation—private”** means premises used for indoor or outdoor leisure, recreation or sport which are not usually open to the public without charge;
- “residence—resited or transportable”** means a building intended for residential use which has been constructed and inhabited in a completed form in a different location prior to establishment on a lot.
- “residential building”** has the same meaning as in the Residential Design Codes;
- “restaurant”** means premises where the predominant use is the sale and consumption of food and drinks on the premises and where seating is provided for patrons, and includes a restaurant licensed under the *Liquor Control Act 1988*;

“restricted premises” means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of—

- (a) publications that are classified as restricted under the *Classification (Publications, Film and Computer Games) Enforcement Act 1996*;
- (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity;

“rural pursuit” means any premises 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;
- (d) the sale of produce grown solely on the lot;

but does not include agriculture—extensive or agriculture—intensive;

“serviced apartment” means a complex where all units or apartments provide for self-contained accommodation for short stay guests and where integrated reception and recreation facilities may be provided and where occupation by any person is limited to a maximum of 3 months in any 12-month period

“service station” means premises used for—

- (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental/convenience retail nature; and
- (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles;

but does not include premises used for a transport depot, panel beating, spray painting, major repairs or wrecking;

“shop” means premises used to sell goods by retail, hire goods, or provide services of a personal nature (including a hairdresser and beauty therapist) but does not include a showroom or fast food outlet;

“showroom” means premises 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;

“single house” has the same meaning as in the Residential Design Codes;

“storage” means premises used for the storage of goods, equipment, plant or materials;

“tavern” means premises licensed as a tavern under the *Liquor Control Act 1988* and used to sell liquor for consumption on the premises;

“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;

“tourist resort” means integrated, purpose-built luxury or experiential premises for short-stay guests comprising accommodation units and on-site tourism facilities such as reception, restaurant and leisure facilities like swimming pool, gymnasium, tennis courts, and where occupation by any person is limited to a maximum of three months in any 12-month period.

“trade display” means premises used for the display of trade goods and equipment for the purpose of advertisement;

“transport depot” means land or a building or buildings used for the parking or garaging of motor vehicles which are used or intended to be used for the carriage of passengers or goods on a communal basis, or land or a building or buildings used for the transfer of goods from one such motor vehicle to another of such motor vehicles and included the maintenance and repair of such vehicles;

“veterinary centre” means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders and includes the accommodation of such animals.

“warehouse” means premises used to store or display goods and may include sale by wholesale;

“wayside stall” means a building situated on private land which offers for sale to the general public produce or any commodity which is produced on the land upon which the buildings are located.

“winery” means premises used for the production of viticultural produce and may include sale of the produce.

“woodyard” means land used for the purpose of storing firewood and includes the retailing of that firewood.

M. J. GILES, Shire President.
A. LAMB, Chief Executive Officer.

PREMIER AND CABINET

PR401***APPOINTMENT OF CLERK OF THE EXECUTIVE COUNCIL**

It is notified for public information that the Governor, in Executive Council, has appointed Ms Kathryn Helen Andrews as Clerk of the Executive Council with effect on and from 6 May 2015.

PETER CONRAN, Clerk of the Executive Council.

PR402***APPOINTMENT OF DEPUTY OF THE GOVERNOR**

It is hereby notified for public information that the Governor, under clause XVI of the *Letters Patent relating to the Office of Governor of the State of Western Australia*, dated 14 February 1986, has appointed the Lieutenant-Governor, the Honourable Wayne Stewart Martin AC, to be the deputy of the Governor and in that capacity to perform and exercise all the powers and functions of the Governor for the period 11 to 14 May 2015, both dates inclusive.

R. KENNEDY, Clerk of the Executive Council.

RACING, GAMING AND LIQUOR

RA401***LIQUOR CONTROL ACT 1988****LIQUOR APPLICATIONS**

The following applications received under the *Liquor Control Act 1988 (the Act)* are required to be advertised.

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

App. No.	Applicant	Nature of Application	Last Date for Objections
APPLICATIONS FOR THE GRANT OF A LICENCE			
176953	Draught Hall Pty Ltd	Application for the grant of a Restaurant licence in respect of premises situated in Fremantle and known as Zapfall	3/06/2015
177322	Kununurra Liquor Pty Ltd	Application for the grant of a liquor store licence in respect of premises situated in Kununurra and known as Liquor Barons Kununurra	21/06/2015
129458	Goldtrack Corporation Pty Ltd	Application for the grant of a Restaurant licence in respect of premises situated in West Leederville and known as Tracks—West Leederville	7/06/2015
APPLICATION FOR EXTENDED TRADING PERMITS—ONGOING EXTENDED HOURS			
129210	Ash Promotions Pty Ltd	Application for Extended Trading Permit Ongoing Hours in respect of premises situated in Northbridge and known as An Sabin Pub	31/05/2015

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

B. A. SARGEANT, Director of Liquor Licensing.

Dated: 8 May 2015.

DECEASED ESTATES

ZX401*

TRUSTEES ACT 1962**DECEASED ESTATES**

Notice to Creditors and Claimants

Renee Michele Janine Homo, late of Greenfields Age Care Facility, 95 Lakes Road, Greenfields in the State of Western Australia, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates) in respect of the estate of Renee Michele Janine Homo, deceased, who died on the 14th day of July 2014 at Greenfields in the said State are required by the executors Patrick Jean Christian Homo of 58 Cobblers Road, Falcon in the said State and Philippe Pascal Bruno Homo of 38 Steeforth Drive, Coodanup in the said State to send particulars of their claims to Peel Legal Barristers & Solicitors of PO Box 1995, Mandurah WA 6210 by the date one month following the publication of this notice, after which date the executors may convey or distribute the assets having regard only to the claims of which they have then had notice.

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