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— PART 1 —

PROCLAMATIONS

AA101

Medicines and Poisons Act 2014

Medicines and Poisons Act 2014 Commencement Proclamation 2016

Made under the *Medicines and Poisons Act 2014* section 2(b) by the Governor in Executive Council.

1. Citation

This proclamation is the *Medicines and Poisons Act 2014 Commencement Proclamation 2016*.

2. Commencement

The *Medicines and Poisons Act 2014*, other than sections 1, 2 and 14(2), comes into operation on 30 January 2017.

K. SANDERSON, Governor.

L.S.

J. DAY, Minister for Health.

Notes: The *Medicines and Poisons Regulations 2016* come into operation on the day on which the *Medicines and Poisons Act 2014* section 131 comes into operation.

The following regulations come into operation on the day on which the *Medicines and Poisons Act 2014* section 137 comes into operation:

Agriculture and Food Regulations Amendment (Poisons) Regulations 2016

Corrective Services Regulations Amendment (Poisons) Regulations 2016

Health Regulations Amendment (Poisons) Regulations 2016

Police Regulations Amendment (Poisons) Regulations 2016

School Education Amendment Regulations 2016

Sentencing Amendment Regulations (No. 2) 2016

HEALTH

HE301

Agricultural and Veterinary Chemicals (Western Australia) Act 1995
Biosecurity and Agriculture Management Act 2007
Veterinary Chemical Control and Animal Feeding Stuffs Act 1976
Veterinary Surgeons Act 1960

Agriculture and Food Regulations Amendment (Poisons) Regulations 2016

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Agriculture and Food Regulations Amendment (Poisons) Regulations 2016*.

2. Commencement

These regulations come into operation as follows —

- (a) Part 1 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Medicines and Poisons Act 2014* section 137 comes into operation.

Part 2 — *Agricultural and Veterinary Chemicals (Western Australia) Regulations 1995* amended

3. Regulations amended

This Part amends the *Agricultural and Veterinary Chemicals (Western Australia) Regulations 1995*.

4. Regulation 4 amended

In regulation 4(2) delete “*Poisons Act 1994*” and insert:

Medicines and Poisons Act 2014

Part 3 — *Biosecurity and Agriculture Management (Agriculture Standards) Regulations 2013* amended

5. Regulations amended

This Part amends the *Biosecurity and Agriculture Management (Agriculture Standards) Regulations 2013*.

6. Regulation 27 amended

In regulation 27(7) delete “*Poisons Act 1964*.” and insert:

Medicines and Poisons Act 2014.

Part 4 — *Biosecurity and Agriculture Management Regulations 2013* amended

7. Regulations amended

This Part amends the *Biosecurity and Agriculture Management Regulations 2013*.

8. Regulation 42 amended

In regulation 42 delete “*Poisons Act 1964*” and insert:

Medicines and Poisons Act 2014

Part 5 — *Veterinary Chemical Control Regulations 2006* amended

9. Regulations amended

This Part amends the *Veterinary Chemical Control Regulations 2006*.

10. Regulation 2 amended

In regulation 2(1) delete the definition of *prescribe* and insert:

prescribe, in relation to a veterinary chemical product, means to issue a prescription in accordance with the *Medicines and Poisons Act 2014* for the product;

**Part 6 — *Veterinary Surgeons
Regulations 1979* amended**

11. Regulations amended

This Part amends the *Veterinary Surgeons Regulations 1979*.

12. Regulation 2 amended

- (1) In regulation 2(1) delete the definitions of:

prescribe a scheduled drug
scheduled drug

- (2) In regulation 2(1) insert in alphabetical order:

prescribe a scheduled drug means —

- (a) issue a prescription for the scheduled drug; or
- (b) give a written order under the *Medicines and Poisons Regulations 2016* to the holder of a stockfeed manufacture permit to supply a stockfeed mix containing an antibiotic or sulphonamide;

prescription has the meaning given in the *Medicines and Poisons Act 2014* section 3;

scheduled drug means a Schedule 4 poison or a Schedule 8 poison as those terms are defined in the *Medicines and Poisons Act 2014* section 3;

13. Regulation 28 amended

Delete regulation 28(2)(b)(iv) and insert:

- (iv) the *Medicines and Poisons Act 2014*; or

R. KENNEDY, Clerk of the Executive Council.

HE302

Prisons Act 1981
Young Offenders Act 1994

Corrective Services Regulations Amendment (Poisons) Regulations 2016

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Corrective Services Regulations Amendment (Poisons) Regulations 2016*.

2. Commencement

These regulations come into operation as follows —

- (a) Part 1 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Medicines and Poisons Act 2014* section 137 comes into operation.

Part 2 — *Prisons (Prison Officers Drug and Alcohol Testing) Regulations 2016* amended

3. Regulations amended

This Part amends the *Prisons (Prison Officers Drug and Alcohol Testing) Regulations 2016*.

4. Regulation 3 amended

In regulation 3 in the definition of *targeted drug* delete paragraphs (b) and (c) and insert:

- (b) a Schedule 2 poison as defined in the *Medicines and Poisons Act 2014* section 3; and
- (c) a Schedule 3 poison as defined in the *Medicines and Poisons Act 2014* section 3; and
- (ca) a Schedule 4 poison as defined in the *Medicines and Poisons Act 2014* section 3; and

5. Regulation 38 amended

- (1) Delete regulation 38(2)(b) and (c) and insert:
- (b) a Schedule 8 poison or a Schedule 9 poison as those terms are defined in *Medicines and Poisons Act 2014* section 3; or
 - (c) a specified drug within the meaning of the *Misuse of Drugs Act 1981* section 3(1); or

- (2) Delete regulation 38(3)(b) and insert:

- (b) a Schedule 8 poison as defined in the *Medicines and Poisons Act 2014* section 3,

Part 3 — *Young Offenders (Custodial Officers Drug and Alcohol Testing) Regulations 2016* amended**6. Regulations amended**

This Part amends the *Young Offenders (Custodial Officers Drug and Alcohol Testing) Regulations 2016*.

7. Regulation 3 amended

In regulation 3 in the definition of *targeted drug* delete paragraphs (b) and (c) and insert:

- (b) a Schedule 2 poison as defined in the *Medicines and Poisons Act 2014* section 3; and
- (c) a Schedule 3 poison as defined in the *Medicines and Poisons Act 2014* section 3; and
- (ca) a Schedule 4 poison as defined in the *Medicines and Poisons Act 2014* section 3; and

8. Regulation 38 amended

- (1) Delete regulation 38(2)(b) and (c) and insert:
- (b) a Schedule 8 poison or a Schedule 9 poison as those terms are defined in *Medicines and Poisons Act 2014* section 3; or
 - (c) a specified drug within the meaning of the *Misuse of Drugs Act 1981* section 3(1); or

- (2) Delete regulation 38(3)(b) and insert:
- (b) a Schedule 8 poison as defined in the *Medicines and Poisons Act 2014* section 3,

R. KENNEDY, Clerk of the Executive Council.

HE303

Health Act 1911
Pharmacy Act 2010

Health Regulations Amendment (Poisons) Regulations 2016

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Health Regulations Amendment (Poisons) Regulations 2016*.

2. Commencement

These regulations come into operation as follows —

- (a) Part 1 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Medicines and Poisons Act 2014* section 137 comes into operation.

Part 2 — *Health (Notification of Stimulant Induced Psychosis) Regulations 2010* amended

3. Regulations amended

This Part amends the *Health (Notification of Stimulant Induced Psychosis) Regulations 2010*.

4. Regulation 3 amended

- (1) In regulation 3 delete the definitions of:
current clinic
current prescriber

- (2) In regulation 3 insert in alphabetical order:

current stimulant clinic has the meaning given in the *Medicines and Poisons Regulations 2016* regulation 125;

current stimulant prescriber has the meaning given in the *Medicines and Poisons Regulations 2016* regulation 125;

5. Regulation 7 amended

In regulation 7(2) after “current” (each occurrence) insert:

stimulant

6. Regulation 8 amended

In regulation 8(b) after “current” (each occurrence) insert:

stimulant

Part 3 — *Health (Pesticides) Regulations 2011* amended

7. Regulations amended

This Part amends the *Health (Pesticides) Regulations 2011*.

8. Regulation 3 amended

In regulation 3 in the definition of *restricted-use pesticide*:

- (a) delete paragraph (a) and insert:

(a) a Schedule 7 poison as defined in the *Medicines and Poisons Act 2014* section 3;

- (b) delete paragraph (c) and insert:

(c) dichlorvos if it is a Schedule 6 poison as defined in the *Medicines and Poisons Act 2014* section 3;

9. Regulation 82 amended

In regulation 82 delete “*Poisons Act 1964*,” and insert:

Medicines and Poisons Act 2014,

Part 4 — *Pharmacy Regulations 2010* amended

10. Regulations amended

This Part amends the *Pharmacy Regulations 2010*.

11. Regulation 3 replaced

Delete regulation 3 and insert:

3. Pharmacy business (s. 3(1))

For the purposes of paragraph (d) of the definition of *pharmacy business* in section 3(1) of the Act —

- (a) the following types of permit referred to in the *Medicines and Poisons Regulations 2016* in the Table to regulation 79(2) are prescribed —
 - (i) a Health service permit;
 - (ii) a Health service permit — Department/hospital;
 - (iii) a Health service permit — Public sector agency;
 - (iv) a Government permit;
 - (v) a Research/Education permit;and
- (b) the type of licence that is a Schedule 2 retail licence referred to in the *Medicines and Poisons Regulations 2016* in the Table to regulation 74(2) is prescribed.

12. Regulation 11 amended

In regulation 11 delete the definition of *prescription* and insert:

prescription has the meaning given in the *Medicines and Poisons Act 2014* section 3;

13. Schedule 1 amended

Delete Schedule 1 clause 4(f) and insert:

- (f) the *Medicines and Poisons Act 2014* and the *Medicines and Poisons Regulations 2016*.

R. KENNEDY, Clerk of the Executive Council.

HE304

Misuse of Drugs Act 1981
Police Act 1892
Security and Related Activities (Control) Act 1996

Police Regulations Amendment (Poisons) Regulations 2016

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Police Regulations Amendment (Poisons) Regulations 2016*.

2. Commencement

These regulations come into operation as follows —

- (a) Part 1 — on the day on which these regulations are published in the *Gazette*;
- (b) Part 2 — on the day on which the *Medicines and Poisons Act 2014* section 167 comes into operation;
- (c) the rest of the regulations — on the day on which the *Medicines and Poisons Act 2014* section 137 comes into operation.

Part 2 — *Misuse of Drugs Regulations 1982* amended

3. Regulations amended

This Part amends the *Misuse of Drugs Regulations 1982*.

4. Regulation 4AA inserted

After regulation 4 insert:

4AA. Specified drugs (s. 3B)

The following substances are prescribed to be specified substances for the purposes of the Act —

- (a) the substances listed in Schedule 2A Divisions 2 and 3;
- (b) the salts, esters and derivatives of a substance listed in Schedule 2A Divisions 2 and 3;
- (c) any substance containing a substance referred to in paragraph (a) or (b).

5. Regulation 4B amended

In regulation 4B(1) in the definition of *needle and syringe programme* delete “*Poisons Act 1964* section 5(1).” and insert:

Medicines and Poisons Act 2014 section 3.

6. Schedule 2A inserted

After Schedule 2 insert:

Schedule 2A — Specified drugs

[r. 4AA]

Division 1 — Preliminary**1. Terms used**

In this Schedule —

Schedule 4 poison has the meaning given in the *Medicines and Poisons Act 2014* section 3;

Schedule 5 poison has the meaning given in the *Medicines and Poisons Act 2014* section 3;

Schedule 6 poison has the meaning given in the *Medicines and Poisons Act 2014* section 3.

Division 2 — General

Table

Acetic anhydride	Allobarbitone
Allylbarbituric acid	Amylobarbitone - when packed and labelled for injection
Aprobarbitone	Barbitone
Darbepoetin alpha	Dextropropoxyphene
Diazepam - when packed and labelled for injection	Diethylpropion
Ephedrine - when a Schedule 4 poison	Erythropoietin
Erythropoietins	Glutethimide
Heptabarbitone	Hexobarbitone
Metharbitone	Methylphenobarbitone

Nealbarbitone	Pentobarbitone - when packed and labelled for injection
Phenobarbitone	Phentermine
Phenylacetic acid	1-phenyl-2-chloropropane
Phenylmethylbarbituric acid	1-phenyl-2-nitropropene
1-phenyl-2-propanol	Phenylpropanolamine when a Schedule 4 poison
1-phenyl-2-propanone	1-phenyl-2-propanone oxime
Pseudoephedrine when a Schedule 4 poison	Talbutal
Vinbarbitone	

Division 3 — Anabolic Steroids

Table

Androisoxazole	Atamestane
Bolandiol	Bolasterone
Bolazine	Boldenone
Bolenol	Bolmantalate
Calusterone	Chlorandrostenolone
4-chloromethandienone	Chloroxydienone
Chloroxymesterone (dehydrochloromethyltestosterone)	Clostebol (4-chlorotestosterone)
Dihydrolone	Dimethandrostanolone
Dimethazine	Drostanolone
Enestebol	Epitiostanol
Ethyldienolone	Ethylloestrenol
Fluoxymesterone	Formebolone
Formyldienolone	Furazabol
Human growth hormone (somatropin)	Hydroxystenozol
Mebolazine	Mepitiostane
Mesabolone	Mestanolone (androstanolone)

Mesterolone	Methandienone
Methandriol	Methenolone
Methylandrostanolone	Methylclostebol
Methyltestosterone	Methyltrienolone
Metribolone	Mibolerone
Nandrolone	Norandrostenolone
Norbolethone	Norclostebol
Norethandrolone	Normethandrone
Ovandrotone	Oxabolone
Oxandrolone	Oxymesterone
Oxymetholone	Prasterone (dehydroepiandrosterone, dehydroisoandrosterone)
Propetandrol	Quinbolone
Roxibolone	Silandrone
Stanolone	Stanozolol
Stenbolone	Testolactone
Testosterone except when a Schedule 6 poison	Thimosterone (tiomesterone)
Trenbolone except when a Schedule 5 poison or Schedule 6 poison	Trestolone

Part 3 — Police Force (Member Testing) Regulations 2011 amended

7. Regulations amended

This Part amends the *Police Force (Member Testing) Regulations 2011*.

8. Regulation 3 amended

In regulation 3(1) in the definition of *targeted drug* delete paragraphs (b) and (c) and insert:

- (b) a Schedule 2 poison as defined in the *Medicines and Poisons Act 2014* section 3; and

- (c) a Schedule 3 poison as defined in the *Medicines and Poisons Act 2014* section 3; and
- (ca) a Schedule 4 poison as defined in the *Medicines and Poisons Act 2014* section 3; and

9. Regulation 35 amended

- (1) Delete regulation 35(2)(b) and (c) and insert:
 - (b) a Schedule 8 poison or a Schedule 9 poison as those terms are defined in the *Medicines and Poisons Act 2014* section 3; or
 - (c) a specified drug within the meaning of the *Misuse of Drugs Act 1981* section 3(1); or
- (2) Delete regulation 35(3)(b) and insert:
 - (b) a Schedule 8 poison as defined in the *Medicines and Poisons Act 2014*,

**Part 4 — Security and Related Activities (Control)
Regulations 1997 amended**

10. Regulations amended

This Part amends the *Security and Related Activities (Control) Regulations 1997*.

11. Schedule 2 amended

In Schedule 2 Division 2 delete “*Poisons Act 1964*” and insert:

Medicines and Poisons Act 2014

12. Schedule 3 replaced

Delete Schedule 3 and insert:

Schedule 3 — Prescribed drugs

[r. 45, 51 and 52]

Any drug, other than testosterone, that is from time to time —

- (a) a specified drug within the meaning of the *Misuse of Drugs Act 1981* section 3(1); or

- (b) a Schedule 8 poison or a Schedule 9 poison as those terms are defined in the *Medicines and Poisons Act 2014* section 3.

R. KENNEDY, Clerk of the Executive Council.

HE305

School Education Act 1999

School Education Amendment Regulations 2016

Made by the Governor in Executive Council.

1. Citation

These regulations are the *School Education Amendment Regulations 2016*.

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 on which the *Medicines and Poisons Act 2014* section 137 comes into operation.

3. Regulations amended

These regulations amend the *School Education Regulations 2000*.

4. Regulation 148A amended

In regulation 148A(1) in the definition of *adrenaline* delete “identified in Schedule 3 under the *Poisons Act 1964* section 20A;” and insert:

classified as a Schedule 3 poison under the *Medicines and Poisons Act 2014*;

R. KENNEDY, Clerk of the Executive Council.

HE306

Sentencing Act 1995

Sentencing Amendment Regulations (No. 2) 2016

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Sentencing Amendment Regulations (No. 2) 2016*.

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 on which the *Medicines and Poisons Act 2014* section 137 comes into operation.

3. Regulations amended

These regulations amend the *Sentencing Regulations 1996*.

4. Schedule 2 amended

In Schedule 2 delete the item for the *Poisons Act 1964*.

R. KENNEDY, Clerk of the Executive Council.

TREASURY AND FINANCE

TR301

Perth Market (Disposal) Act 2015

Perth Market (Disposal) Act 2015 Abolition of Authority Notice 2017

Made by the Minister under the *Perth Market (Disposal) Act 2015* section 51.

1. Citation

This notice is the *Perth Market (Disposal) Act 2015 Abolition of Authority Notice 2017*.

2. Minister satisfied of matters in section 51(2)

The Minister is satisfied that there is no reason for the Authority to continue in existence.

3. Abolition

The date fixed for the abolition of the Authority is the day on which this notice is published in the *Gazette*.

M. NAHAN, Minister.

— PART 2 —

HEALTH

HE401

**HEALTH PRACTITIONER REGULATION NATIONAL LAW
(WESTERN AUSTRALIA) ACT 2010**

HEALTH PRACTITIONER REGULATION NATIONAL LAW (WESTERN AUSTRALIA)

MEDICAL (AREA OF NEED) DETERMINATION 2017

Made by the Chief Medical Officer, pursuant to section 67(5) of the Schedule of the *Health Practitioner Regulation National Law (Western Australia)*.

Citation

1. This determination may be cited as the *Medical (Area of Need) Determination 2017*.

Commencement

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

Area of need

3. The area of need specified in the Schedule is determined to be an area of need for the purposes of section 67(5) of the Schedule of the *Health Practitioner Regulation National Law (Western Australia)*.

Expiry of determination

4. This determination expires 2 years after its commencement

SCHEDULE

**GENERAL MEDICAL SERVICES IN THE SUBURB OF HAMMOND PARK IN THE
CITY OF COCKBURN**

Dated this 12th day of January 2017.

Professor GARY GEELHOED, Chief Medical Officer,
Department of Health,
as delegate of the Minister for Health.

MARINE/MARITIME

MA401

WESTERN AUSTRALIAN MARINE ACT 1982

NAVIGABLE WATERS REGULATIONS 1958

CLOSURE—BELMONT WATER SKI AREA

Department of Transport,
Fremantle WA, 17th January 2017.

Acting pursuant to the powers conferred by Regulation 48A of the *Navigable Waters Regulations 1958*, the department by this notice temporarily revokes Notice MA410 as published in the *Government Gazette* on 27th November 2012 and hereby close the Belmont Water Ski Area for water skiing from 3:00 pm to sunset on Thursday 26th January 2017.

Notice MA410 as published in the *Government Gazette* on 27th November 2012 will be reinstated as of 8:00 am on 27th January 2017.

CHRISTOPHER J. MATHER, Director of Waterways Safety Management,
Department of Transport.

MA402

WESTERN AUSTRALIAN MARINE ACT 1982
NAVIGABLE WATERS REGULATIONS 1958
 RESTRICTED SPEED AREAS—ALL VESSELS
 PROHIBITED SWIMMING AREA
 Perth Waters, Swan River

Department of Transport,
 Fremantle WA, 17th January 2017.

Acting pursuant to the powers conferred by Section 67 of the *Western Australian Marine Act 1982*, and 10A(b) of the *Navigable Waters Regulations 1958*, the department by this notice limits the speed of motor vessels to 8 knots between 3:00 pm and 11:00 pm on Thursday 26th January 2017, in all of Perth Waters from the Narrows Bridge to Causeway Bridges; excluding the existing five (5) knot area from the Western most point of Heirisson Island to the Eastern most point of Heirisson Island as published in Notice MA408 of the *Government Gazette* dated 1st October 2013.

The department prohibits Swimming and Bathing between the Narrows Bridge and Causeway Bridges, including all of Perth Waters, from 3:00 pm on 26th January 2017 until Sunrise 27th January 2017.

The above swimming closure and speed restriction is not applicable to approved vessels or persons involved in approved aquatic events or associated with the City of Perth Australia Day Skyworks 2017.

CHRISTOPHER J. MATHER, Director of Waterways Safety Management,
 Department of Transport.

PLANNING

PL401

PLANNING AND DEVELOPMENT ACT 2005
 GREATER BUNBURY REGION SCHEME AMENDMENT 0046/57
 Bunbury Airport Expansion offset and reservation anomaly, Lot 706 and 505
 South Western Highway, Davenport
 Call for Public Submissions

The Western Australian Planning Commission (WAPC) intends to amend the Greater Bunbury Region Scheme (GBRS) for land in the local government of the City of Bunbury and is seeking public comment.

The purpose of this amendment proposal is to rationalise the GBRS zones and reservations of portion Lots 505 and 706 South Western Highway, Davenport to complete the necessary actions required to be undertaken by the City of Bunbury in regard to agreed Federal and State environmental offsets associated with the expansion of the Bunbury Airport, and to rectify a minor mapping anomaly.

Display locations

The WAPC's Amendment Report and plans showing the proposed changes are available for viewing online at www.planning.wa.gov.au (Public Comment page); and at the following locations—

- Western Australian Planning Commission, Level 2,
140 William Street, Perth
 - Department of Planning,
61 Victoria Street, Bunbury
 - State Reference Library
Perth Cultural Centre
- Municipal office of the—
- City of Bunbury

Submissions

Submissions to support, object to, or provide comment on the proposed amendment should be made on a Form 57, which is available online and at the display locations.

Submissions can be lodged online to Bunbury.Planning@planning.wa.gov.au or by post to: The Secretary, Western Australian Planning Commission, 61 Victoria Street, Bunbury WA 6230.

Submissions must be received by 5.00pm, Friday 17 March 2017. Late submissions will not be considered.

KERRINE BLENKINSOP, Secretary,
 Western Australian Planning Commission.

PL402

PLANNING AND DEVELOPMENT ACT 2005
GREATER BUNBURY REGION SCHEME AMENDMENT 0047/57

Lot 6238 Mitchell Road, Benger

Call for Public Submissions

The Western Australian Planning Commission (WAPC) intends to amend the Greater Bunbury Region Scheme for land in the local government of the Shire of Harvey and is seeking public comment.

The purpose of this amendment proposal is to rezone Lot 6238 Mitchell Road, Benger from regional open space reservation to rural zone. The reservation appears to be a historical 'carry over' and is an error. The proposed rural zone would be consistent with the zoning of surrounding land.

Display locations

The WAPC's Amendment Report and plans showing the proposed changes are available for viewing online at www.planning.wa.gov.au (Public Comment page); and at the following locations—

- Western Australian Planning Commission, Level 2, 140 William Street, Perth
 - Department of Planning, 61 Victoria Street, Bunbury
 - State Reference Library Perth Cultural Centre
- Municipal office of the—
- Shire of Harvey

Submissions

Submissions to support, object to, or provide comment on the proposed amendment should be made on a Form 57, which is available online and at the display locations.

Submissions can be lodged online to Bunbury.Planning@planning.wa.gov.au or by post to: The Secretary, Western Australian Planning Commission, 61 Victoria Street, Bunbury WA 6230.

Submissions must be received by 5.00pm, Friday 17 March 2017. Late submissions will not be considered.

KERRINE BLENKINSOP, Secretary,
 Western Australian Planning Commission.

PL403

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT

Shire of Waroona

Local Planning Scheme No. 7—Amendment No. 32

Ref: TPS/1051

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 Waroona Local Planning Scheme amendment on 14 November 2016 for the purpose of—

1. Changing references of "Town" Planning Scheme to "Local" Planning Scheme throughout the Scheme Text.
2. Modifying the Scheme Text throughout to correctly state the current names of government agencies, legislation, local laws and policies including the change from the "Residential Planning Codes" to the "R Codes".
3. Addressing incorrect spelling.
4. Updating the Contents to reflect changes set out below.
5. Renumbering Clauses and sub-clauses and modifying cross-referencing throughout the Scheme Text.
6. Changing Schedules from Roman numerals to standard numbering throughout the Scheme Text.
7. Replace Clause 1.1—Citation with clauses 1 and 2 from the model provisions.
8. Replacing Clauses 1.2 and 1.3 as per clauses 5 and 6 of the model provisions and adding model provision 4.
9. Replacing Clause 1.4 as with clause 7 of the model provisions.
10. Deleting Clause 1.5 "Arrangement of the Scheme Text" and add Clause 8 "Purposes of Scheme" as per the model provisions.

11. Inserting Clause 1.6 “Aims of the Scheme” as follows—

“1.6 AIMS OF THE SCHEME

The aims of the Scheme are to—

- (i) encourage, direct and control quality and orderly development in the Scheme area so as to promote and protect the health, safety, and general economic and social well-being of the community, and the amenity of the area;
 - (ii) promote sustainable development that integrates consideration of economic, social and environmental goals for the district;
 - (iii) provide a sufficient supply of serviced and suitable land for housing, rural living, commercial and industrial activities, community facilities, recreation and open space;
 - (iv) assist employment and economic growth by facilitating the timely provision of suitable land for retail, commercial, industrial and tourist development, as well as providing opportunities for home-based employment;
 - (v) seek to avoid future land use conflicts for extraction of mineral and basic raw material resources;
 - (vi) ensure that appropriately located mining, mineral processing and forestry activities are able to provide significant contributions to the District economy in a manner consistent with protection of the District’s environment and landscape;
 - (vii) support rational decisions being made in regard to land use and ensure that the assessment and classification of land resources is made on the basis of land capability and land suitability;
 - (viii) manage the use and development of land by means of zoning and development controls to achieve compatibility between land uses, and the preservation and where possible the enhancement of amenity for urban and rural uses;
 - (ix) protect and enhance the environmental values and natural resources of the District and to promote ecologically sustainable land use and development;
 - (x) appropriately take account of flooding, fire and other risks;
 - (xi) protect and enhance the landscape values of the District;
 - (xii) maintain and protect valuable areas of agricultural production and conserve its non-urban character whilst accommodating other complementary rural activities;
 - (xiii) ensure that agriculture continues as a major component of the District’s land use pattern, economy and lifestyle;
 - (xiv) promote appropriately located and designed tourist development;
 - (xv) encourage an efficient use of existing infrastructure and sustainable energy;
 - (xvi) conserve existing local Aboriginal and built heritage;
 - (xvii) preserve and enhance the amenities of the District and to manage land uses so as to minimise conflicts between otherwise incompatible uses;
 - (xviii) maintain and enhance the positive aspects of a country lifestyle enjoyed by the inhabitants of the municipality through appropriate control over the layout and design of developed areas by fostering a distinctive character based on good design principles;
 - (xix) improve the management of the natural resources of the Scheme Area to the extent possible under the Scheme;
 - (xx) conserve, protect and enhance the biodiversity (genetic, species and ecosystem diversity, environmental values and natural heritage) of the municipality and its environs by ensuring that land use and development is undertaken sustainably;
 - (xxi) recognise and, where possible, take account of the adverse cumulative impacts on biodiversity, and environmental and heritage values;
 - (xxii) improve the means of access into and around the District and to ensure the safe and convenient movement of people including pedestrians, cyclists and motorists;
 - (xxiii) provide for the growth of settlements in a land use pattern which reduces pressure to convert good quality agricultural land to non-agricultural uses;
 - (xxiv) provide opportunities for properly planned, contained and sustainable settlements.
 - (xxv) guide the location of urban, rural-residential and rural smallholding development in order to—
 - (a) minimise impacts on rural land;
 - (b) protect and enhance the rural landscape and environmental values;
 - (c) recognise the potential for environmental repair and ensure its enhancement and management in subdivision and development proposals; and
 - (d) be appropriately serviced in a sustainable manner that does not place inappropriate demands on the local government or servicing authorities in terms of upgrading or maintaining services.
 - (xxvi) provide guidance and controls for possible future residential, rural residential, rural small holding, commercial, industrial and tourist development within the municipality;
 - (xxvii) assist in the effective implementation of State and region plans, strategies and policies;
 - (xxviii) adopt a set of Local Planning Policies which will achieve the stated objectives.”
12. Inserting Clause 10 “Relationship with Local Laws”, Clause 11 “Relationship with Other Schemes” and Clause 12 “Relationship with the Region Scheme” as per the model provisions.

13. Replace Clause 1.6 “Revocation of Existing Schemes” with Clause 3 “Scheme Revoked” of the model provisions.
14. Part II—Objectives and Policies to be deleted.
15. Adding Clauses 13, 14(1), 14(2) and 15 as per the model provisions.
16. Delete clauses 3.2 and 3.3.
17. Modifying the number of zones in sub-clause 4.1.1 from “18” to “19”.
18. Modify Clause 4.2—Zoning Table to be consistent with Clauses 17 and 18 of the model provisions.
19. Deleting Table 1—Zoning Table and replacing with a new Table 1—Zoning Table which incorporates new uses, deletes uses, renames uses, assigns appropriate permissibility levels to each use being allowed to occur in the zones using symbols that are consistent with the model provisions and reorders the Zoning Table as follows—

Table 1—Zoning Table

KEY TO COLUMNS—

URBAN										RURAL									
1	TOWN CENTRE	11	GENERAL FARMING																
2	COMMUNITY & CIVIC	12	IRRIGATED AGRICULTURE																
3	SERVICE COMMERCIAL	13A	COASTAL																
4	RESIDENTIAL	13B	COASTAL HIGHWAY																
5	SPECIAL RESIDENTIAL	14	HILLS FACE																
6	RURAL LIVING	15	DARLING RANGES																
7	INDUSTRIAL	16	RURAL RESIDENTIAL																
8	HAMEL	17	SPECIAL USES																
9	PRESTON BEACH	18	RURAL SMALL HOLDINGS <i>AMD 23 GG 25/9/09</i>																
10	SPECIAL INDUSTRY	19	HILLS LANDSCAPE PROTECTION																

ZONES	URBAN									RURAL										
	1	2	3	4	5	6	7	8	9	10	11	12	13A	13B	14	15	16	17	18	19
Abattoir	X	X	X	X	X	X	X	X	X		X	X	X	X	X	X	X		X	X
Agriculture—Extensive	X	X	X	X	X	D	X	X	X		P	P	P	P	P	P	D		P	D
Agriculture—Intensive	X	X	X	X	X	D	X	X	X		D	P	D	D	D	D	X		A	D
Amusement Parlour	D	X	D	X	X	X	X	X	D		X	X	X	X	X	X	X		X	X
Ancillary Accommodation	D	D	D	P	D	D	X	P	P		D	D	D	D	D	D	D		D	D
Animal Establishment	X	X	X	X	X	X	X	X	X		A	A	A	A	X	A	X		X	X
Animal Husbandry—Intensive	X	X	X	X	X	X	X	X	X		D	D	X	X	X	D	X		X	X
Bed and Breakfast	D	X	X	D	D	D	X	D	D		D	D	D	D	D	D	D		D	A
Betting Agency	D	X	D	X	X	X	X	X	X		X	X	X	X	X	X	X		X	X
Brewery	D	X	X	X	X	X	X	X	X		A	X	A	A	X	A	X		A	A
Bulky Goods Showroom	D	X	P	X	X	X	P	X	X		X	X	X	X	X	X	X		X	X
Caravan Park	X	X	X	X	X	X	X	X	D	SPECIAL INDUSTRY (SEE NOTE*)	D	X	D	D	X	D	X		X	X
Caretaker’s Dwelling	IP	IP	IP	X	X	X	IP	X	IP		IP	IP	IP	IP	IP	IP	X		IP	IP
Carpark	P	P	P	X	X	X	P	IP	IP		IP	IP	IP	IP	IP	IP	IP		X	X
Chalet	X	X	X	X	X	X	X	X	A		D	D	D	D	A	D	X		A	A
Childcare Premises	D	P	D	D	X	X	X	D	D		X	X	X	X	X	X	X		X	X
Civic Use	P	P	P	D	X	X	X	P	D		D	X	D	D	X	D	A		A	A
Club Premises	D	D	D	X	X	X	X	D	D		A	X	X	X	X	X	X		X	X
Commercial Vehicle Parking	X	X	D	D	D	D	P	D	D		P	D	D	D	D	D	D		X	X
Community Facility Depot	D	P	D	X	X	X	P	P	D		D	A	A	A	A	A	A		A	A
Community Purpose	P	P	P	P	D	D	D	P	P		D	X	AA	AA	X	D	A		D	A
Consulting Rooms	P	P	D	D	X	X	X	D	D		X	X	X	X	X	X	X		X	X
Convenience Store	D	X	D	A	X	X	D	A	A		X	X	X	X	X	X	X		X	X
Dry Cleaning Premises	D	X	D	X	X	X	X	X	X		X	X	X	X	X	X	X		X	X
Educational Establishment	D	P	D	A	X	X	X	X	A		D	X	X	X	X	X	X		X	X
Equestrian Centre	X	X	X	X	X	X	X	X	X		D	D	A	A	X	A	X		A	X
Exhibition Centre	D	D	D	X	D	D	D	D	D		D	X	A	A	A	A	A		A	A
Family Day Care	D	D	D	D	D	D	X	D	D		D	D	D	D	D	D	D		X	X
Farm Stay Accommodation	X	X	X	X	X	X	X	X	X		D	D	D	D	A	D	X		A	A
Fast Food Outlet	P	X	D	X	X	X	X	X	D		X	X	X	X	X	X	X		X	X
Fuel Depot	X	X	X	X	X	X	D	X	X		X	X	X	X	X	X	X		X	X

SPECIAL USES (SEE NOTE**)

ZONES	URBAN									RURAL										
	1	2	3	4	5	6	7	8	9	10	11	12	13A	13B	14	15	16	17	18	19
Funeral Parlour	P	X	P	X	X	X	X	X	X		X	X	X	X	X	X	X		X	X
Garden Centre	P	P	P	X	X	D	X	X	A		D	X	D	D	X	X	X		X	X
Grouped Dwelling	D	D	X	D	X	X	X	D	D		X	X	X	X	X	X	X		X	X
Guest House	D	A	X	A	A	D	X	D	D		D	A	D	D	D	D	D		D	A
Holiday House	D	X	X	A	A	D	X	D	D		D	D	D	D	D	D	D		D	A
Home Business	D	D	D	D	D	D	X	D	D		D	D	D	D	D	D	D		D	P
Home Occupation	D	D	D	D	D	D	D	D	D		D	D	D	D	D	D	D		D	P
Hospital	A	D	X	X	X	X	X	X	A		X	X	X	X	X	X	X		X	X
Hotel	P	X	D	X	X	X	X	X	A		X	X	X	A	X	X	X		X	X
Industry Cottages	D	D	D	D	D	D	D	D	D		D	D	D	D	D	D	D		D	D
General	X	X	X	X	X	X	D	X	X		X	X	X	X	X	X	X		X	X
Hazardous	X	X	X	X	X	X	X	X	X		A	X	X	X	X	X	X		X	X
Light	X	X	D	X	X	X	P	X	X		X	X	X	X	X	X	X		X	X
Service	X	X	P	X	X	X	P	X	X		X	X	X	X	X	X	X		X	X
Extractive	X	X	X	X	X	X	X	X	X		A	A	A	A	A	A	X		X	A
Noxious	X	X	X	X	X	X	A	X	X		A	X	X	X	X	X	X		X	X
Rural	X	X	X	X	X	X	D	X	X		D	D	D	D	X	D	X		A	X
Laundromat	D	X	D	X	X	X	X	X	X		X	X	X	X	X	X	X		X	X
Liquor Store	D	X	D	X	X	X	X	X	A		X	X	X	X	X	X	X		X	X
Medical Centre	D	D	D	D	X	X	X	A	D		X	X	X	X	X	X	X		X	X
Milk Depot	X	X	D	X	X	X	D	X	X		D	D	D	D	D	D	X		X	X
Motel	P	X	D	X	X	X	X	X	D		X	X	X	A	X	A	X		X	X
Motor Vehicle, Boat or Caravan Sales Premises	A	X	P	X	X	X	P	X	X		X	X	X	X	X	X	X		X	X
Motor Vehicle Repair	D	X	D	X	X	X	P	X	X		X	X	X	A	X	X	X		X	X
Motor Vehicle Wash	IP	X	IP	X	X	X	IP	X	X		X	X	X	X	X	X	X		X	X
Motor Vehicle Wrecking Premises	X	X	X	X	X	X	D	X	X		X	X	X	X	X	X	X		X	X
Nursery	X	X	X	X	X	D	X	X	X		D	D	D	D	D	D	X		A	A
Office	P	D	P	X	X	X	IP	X	D		X	X	X	X	X	X	X		X	X
Park Home Park	X	X	X	A	X	X	X	X	A		X	X	A	A	X	X	X		X	X
Place of Public Worship	P	P	D	D	X	X	X	D	D		X	X	X	X	X	X	X		X	X
Produce Store	D	X	P	X	X	X	P	X	X		D	X	D	D	X	X	X		X	X
Public Amusement	D	D	P	X	X	X	X	X	A		X	X	X	X	X	X	X		X	X
Public Utility	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P		P	P
Reception Centre	D	D	P	X	X	X	X	X	D		X	X	X	X	X	X	X		X	X
Recreation—Private	D	P	D	D	X	X	X	D	D		D	X	D	D	D	D	A		A	A
Recreation—Public	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P		P	P
Residential Building	D	D	X	A	X	A	X	A	A		X	X	X	X	X	X	X		X	X
Restaurant	P	X	D	X	X	X	X	X	D		IP	IP	X	IP	IP	IP	X		A	A
Restricted Premises	X	X	D	X	X	X	D	X	X		X	X	X	X	X	X	X		X	X
Rural Pursuit	X	X	X	X	X	D	X	X	X		P	P	D	D	D	P	D		D	D
Rural Workers Dwelling	X	X	X	X	X	X	X	X	X		D	D	D	D	D	D	X		X	A
Salvage Yard	X	X	X	X	X	X	P	X	X		X	X	X	X	X	X	X		X	X
Sawmill	X	X	X	X	X	X	D	X	X		D	X	X	X	X	D	X		X	X
Service Station	A	X	D	X	X	X	D	X	A		A	X	X	X	X	X	X		X	X
Shop	P	D	P	X	X	X	IP	A	A		X	X	X	D	X	X	X		X	X
Single House	D	P	D	P	P	P	X	P	P		P	P	P	P	P	P	P		P	P
Tavern	P	X	D	X	X	X	X	X	D		X	X	X	A	X	X	X		X	X
Tourist Development	D	D	X	X	X	X	X	X	D		X	X	A	A	A	A	X		X	X
Transport Depot	X	X	D	X	X	X	D	X	X		X	X	X	X	X	X	X		X	X
Tree Farm	X	X	X	X	X	X	X	X	X		D	D	D	D	D	D	X		X	X
Veterinary Centre	X	X	D	X	X	D	P	D	A		D	X	D	D	X	X	X		X	X
Warehouse	X	X	P	X	X	X	P	X	X		X	X	X	X	X	X	X		X	X
Wayside Stall	X	X	X	X	X	D	X	D	X		D	D	D	D	D	D	D		X	D
Winery	X	X	X	X	X	X	X	X	X		A	A	A	A	A	A	A		X	A

SPECIAL INDUSTRY (SEE NOTE*)

SPECIAL USES (SEE NOTE**)

Notes—
 *Uses restricted to company operations of industry identified on Scheme Maps.
 **Uses restricted to those listed in Schedule 3.

20. Deleting Clauses 4.3 “Special Use Zone” and 4.4 “Additional Uses”.
21. Replacing Clause 4.9.3 with the following—
Development approval is required for the clearing of indigenous trees or other substantial vegetation except where exempt by clause 61(i) of Schedule A.
22. Modifying sub-clause 4.13.3 through changing the heading from “Referrals to EPA & CALM” to “Referrals to Government Agencies”, deleting “the Department of Conservation and Land Management and to the Environmental Protection Authority for advice and comment and will give due consideration to imposing any conditions recommended by Department or the Authority” and replace with “agencies considered relevant to the proposal by the Council for advice and comment and will give due consideration to imposing any conditions recommended by these agencies”.
23. Deleting “in accordance with Clauses 4.14.8 and 4.15.4” in the last bullet point of sub-clause 4.14.1.
24. Modifying sub-clauses 4.14.3, 4.14.4, 4.14.9 and 4.14.10 on referral agencies. In particular, in sub-clause 4.14.3 delete “the Department of Environment, Water and Catchment Protection and delete “and the Environmental Protection Authority”. Add “relevant agencies” after “Seek advice from”. In sub-clause 4.14.4 delete “of the Peel Inlet Management Authority”. In sub-clause 4.14.10 delete “the Department of Conservation and Land Management, the Department of Environment, Water and Catchment protection and the Department of Agriculture” and replace with “relevant agencies” after “Rural Pursuits, to”.
25. Modifying sub-clause 4.12.6 on grazing/stocking of land through replacing the current sub-clause with the following—
“Wherever, in the opinion of Council, land is being grazed or stocked to cause topsoil to be exposed and/or trees to be ringbarked to the general detriment of the character and good management of the area, the matter may be referred to relevant agencies for investigation and recommendation. Having regard to any recommendations received, Council may order the reduction of number of or removal of stock and/or the protection of trees by fencing or lattice binding. Failure to comply with such order shall constitute an offence under The Act.”
26. Inserting sub-clause 4.12.8 “Building Envelopes, Setbacks and Variations” as follows—
“4.12.8 Building Envelopes, Setbacks and Variations
(a) Where a building envelope is defined for the lot on a Structure Plan, all buildings on the lot should be confined to that envelope.
(b) If no building envelope is specified, the Council will require the minimum setbacks to be consistent with the Local Planning Strategy and as a minimum shall be 20 metres from any road and 10 metres from rear and side boundaries.
(c) Notwithstanding the provisions of the preceding sub-clauses, Council may permit variation of setback or the location of a building envelope if it is satisfied that such variation is desirable and will not detrimentally affect the objective for the Zone or the amenity of the area generally.”
27. Deleting sub-clauses 4.14.8—4.14.10.
28. Introducing a new Clause 4.13 as follows—

“4.13 RURAL 3A & 3B—COASTAL & COASTAL HIGHWAY ZONES

4.13.1 Objectives and Policies

Council’s objective will be to ensure continuation of appropriate rural activities which are consistent with protection of the coastal environment, the ecology of the Yalgorup National Park, the landscape of the environs of Old Coast Road and the traffic management requirements of that road by—

- (a) ensuring that rural pursuits are consistent with achieving the objective;
- (b) permitting, at Council discretion in accordance with the requirements of its Policy, other uses, additional, or special uses, appropriate to the objective and to the location of the zone including establishment of commercial uses in accordance with the provisions of Tables 1 and 2 on lots in the zone subject to—
 - satisfactory advice from the Department of Parks and Wildlife and/or the Environmental Protection Authority, that the proposed use will not impact detrimentally on Yalgorup National Park;
 - a building setback from the lot frontage of Old Coast Road of fifty metres, and satisfactory landscaping within the setback area.

4.13.2 Development setback

Council will require that all new development, including agricultural use, is to be setback at least 150 metres from the high water mark of Lake Clifton and at least 20 metres from the edge of the Vasse soil landform.

4.13.3 On-site effluent disposal

Within the Peel-Harvey Catchment, standard septic systems are to be no closer than 100 metres from any watercourse or wetland and are to have a 2 metre minimum vertical separation from the highest known groundwater level. Alternative Treatment Units to be provided where the setback is less than 100 metres. No septic system is to be closer than 50 metres to any watercourse or wetland.

4.13.4 EPA Guidance Note

Development is to comply with EPA Guidance Note No. 28 'Protection of the Lake Clifton Catchment'.

29. Deleting sub-clause 4.15.8 and replacing it with—
'Applications for subdivision/development will not be supported/approved by Council unless the applicant has satisfactorily demonstrated compliance with the requirements of State Planning Policy 3.7 Planning in Bushfire Prone Areas.'
30. Deleting sub-clause 4.15.11 "Subdivider to Provide Advice to Purchasers".
31. Deleting sub-clause 4.16.7 and adding the following—
"Subject to any provision of Schedule 7 the approval of Council is required for the clearing of indigenous trees or other substantial vegetation except for the clearing of vegetation which is—
(a) dead, diseased or dangerous;
(b) necessary for any firebreak required by law;
(c) for the purpose of access to an approved dwelling or outbuildings;
(d) within a defined building envelope and limited to that;
(e) necessary for the construction of a dwelling, outbuildings and an area of 20 metre width surrounding the dwelling for the purpose of bush fire protection."
32. Modifying sub-clause 4.16.8 through adding "Boundary fencing" and deleting "Fencing".
33. Adding Clauses 4.20 as follows—
"4.20 SUBDIVISION FOR AGRICULTURAL PURPOSES"
In order to protect the productive capacity of agricultural land, there is a general presumption against the further subdivision of land in the Rural zones. Any proposal for the further subdivision of rural land should be in accordance with the lot sizes recommended by the Local Planning Strategy. Applications to subdivide for agriculture purposes should clearly demonstrate that the subdivision will be beneficial to viable and sustainable agricultural production and land management on the subject land and will not be prejudicial to similar production and management on adjacent lands.
34. Adding Clauses 19-24 of the model provisions and tables relocated to schedules to scheme text as required.
35. Deleting Part V "Non-Conforming Uses".
36. Adding Part 4 "General Development Requirements" of the model provisions and insert "State Planning Policy 2.1—Peel-Harvey Coastal Plain Catchment Policy" into the table associated with model provision 29—Other State planning policies to be read as part of Scheme.
37. Adding Clause 5.3 as follows—
"5.3 SPECIAL APPLICATION OF RESIDENTIAL DESIGN CODES"
Particular applications, variations or exclusions to the provisions of the R Codes shall be included under the following heading—
"Special Application of Residential Design Codes" (see Clauses 4.6.2 and 4.11.4)."
38. Deleting Clauses 6.1 "Development of Land", 6.2 "Residential Design Codes", 6.6 "Drainage" and sub-clause 6.8.1.
39. Delete Clause 6.13—Discretion to modify development standards.
40. Modifying Clause 5.9 through adding "and the relevant State Government Sewerage Policy" after "Peel-Harvey Coastal Plain Catchment where applicable".
41. Renumbering Clause 6.7 as 5.10 and add "the" after "bedrock and".
42. Renaming Clause 6.8 "Vehicle Parking" to "Vehicle Parking and Vehicle Access Requirements" and adding sub-Clauses 5.11.1-5.11.6 as follows—
"5.11.1 Land within the Scheme Area shall not be used or developed for any of the purposes requiring Planning Approval under the Scheme unless car parking accommodation, in accordance with the provisions of Table 2, is provided on the site the subject of the application in accordance with the standards and requirements, including parking space layouts and dimensions and circulation areas as set out in the relevant Australian Standard. Additionally, the local government may require the provision of spaces for cycle racks and vehicles for the disabled as considered necessary.
5.11.2 Where land is to be developed or used for purposes not mentioned in Table 2, or where a standard or requirement is not specified in the Scheme, the local government shall determine in each case the number of spaces to be provided on the land having due regard to the—
(i) nature of the proposed development;
(ii) number of employees or others likely to be employed or engaged in the use of the land;
(iii) anticipated demand for visitor parking; and
(iv) orderly, proper and sustainable planning of the area.

5.11.3 The off street car parking requirements for particular developments and land uses are listed in Table 2 or as may be varied by the provisions of this Scheme.

5.11.4 Subject to the provisions of this clause, the car parking requirements shall be provided on the site the subject of the proposed development, or with the approval of the local government in the immediate vicinity thereof provided that arrangements for the permanent retention of that parking can be set in place to the satisfaction of the local government.

5.11.5 Where an applicant can demonstrate to the satisfaction of the local government that there is not the demand for the number of parking spaces specified in Table 2, the local government can vary this standard where it considers this represents orderly and proper planning.

5.11.6 Where an applicant can demonstrate to the satisfaction of the local government that other off-street parking facilities are available and that these facilities can be shared with a nearby land use, the local government may approve a development with less than the required number of on-site car bays provided—

- (i) the local government is satisfied that no conflict will occur in the operation of land uses for which the joint use of parking facilities is proposed;
- (ii) the local government is satisfied that the shared bays are in close proximity; and
- (iii) landowners who request sharing of parking facilities enter into a legal agreement to the local government's satisfaction for reciprocal rights to parking facilities to assure the continued access to shared parking facilities.”

43. Replacing Table 2 on minimum vehicle parking standards with the following—

Table 2

Use	Minimum Number of Parking Spaces to be Provided
Caravan Park	1.25 per unit, bay or tent site.
Cabin	1 per cabin + 1 space for each staff member
Chalet	1 per chalet + 1 space for each staff member
Civic Use	1 per 30m ² NLA
Club Premises	1 per 50m ² NLA
Club (Licensed)	1 per 5m ² bar and other activity area
Consulting Rooms	4 per practitioner for the first practitioner and 2 bays for each practitioner thereafter
Factory Units	1 per 50m ² NLA or 2 for every factory unit whichever produces the greatest number of car parking spaces.
Family Day Care Centre	1 per staff member + 2 extra spaces for the picking up and setting down of persons
Dry Cleaning/Laundry	1 per 30m ² NLA
Fast Food Outlet	1 per 4 seated patrons
Medical Centre	1 per 30m ² NLA
Hotel	1 per 5m ² public area + 1 per bedroom
General Industry	1 per 100m ² NLA
Guesthouse	1 per room + 1 space for each staff member
Light & Service Industry	1 per 50m ² NLA
Liquor Store	1 per 25m ² NLA
Motel	1 per unit + 1 per 25m ² service area
Office	1 per 40m ² NLA
Public Amusement	1 per 4 seats provided
Public Worship	1 per 4 seats provided
Residential	As per the Residential Design Codes
Restaurant	1 per 4 patrons
Restricted Premises	1 per 25m ² NLA
Service Station	1 per 200m ² gross site area
Shop	1 per 20m ² NLA
Showroom	1 per 50m ² NLA
Tavern	1 per 5m ² public area
Veterinary Consulting	4 per practitioner
Warehouse	1 per 100m ² NLA
Other Uses Not Listed	Determined by the local government after consideration of the parking need generated by the use and/or outlined in a Local Planning Policy.

44. Adding Clause 5.12 as follows—

“5.12 CONSTRUCTION OF PARKING AND VEHICLE ACCESS AREAS

5.12.1 Except as may otherwise be approved by the local government, all parking areas, loading areas and accessways shall be constructed with a sealed surface comprising bitumen seal, concrete, brick paving or pea-gravel seal on a compacted gravel base with satisfactory—

- (i) drainage to a sump and connected to the local government’s main drain system;
- (ii) surface line-marking and signage being provided to show the manner in which the parking, loading and access areas are to be used;
- (iii) design to allow turning and manoeuvring of vehicles on-site; and
- (iv) landscaping where large parking areas are involved to effectively screen the paved areas from view from the street or other public places and around and within the parking area to provide shade, as determined by the local government.

5.12.2 All parking, loading and access areas shall be provided in accordance with clause 6.9.1 and shall be constructed prior to any occupation of the development or at such time as may be agreed in writing between the local government and the developer. Such areas shall be maintained to the satisfaction of the local government.”

45. Deleting sub-clause 6.8.2 and adding Clause 5.13 as follows—

“5.13 CASH-IN-LIEU

5.13.1 Notwithstanding the provisions of Table 2, Council may, for a use within the Town Centre Zone or the Service Commercial Zone, waive the requirement for on-site parking and accept a cash payment in lieu of the provision.

5.13.2 Any payment made under the provisions of the preceding sub-clause shall be not less than the estimated cost of providing and constructing the parking spaces and associated vehicle manoeuvring spaces required by the Scheme plus the value of the area of land which might have been occupied by the parking spaces, and be paid to Council into a special fund to be applied solely to the provision, construction and maintenance of car parking facilities within the zone.”

46. Inserting Clauses 5.15 and 5.16 as follows—

“5.15 VEHICLE CROSSOVERS/ENTRANCES

5.15.1 The local government may limit access to a lot to a single entry/exit point or may require separate entrances and exits, or may require that entrances and exits be placed in positions nominated by it, if it considers such provision necessary to avoid or to reduce traffic hazards.

5.15.2 Access to a lot for vehicles shall not be permitted directly to or from major roads where suitable access is available from side or rear streets unless the applicant suitably demonstrates traffic safety and need.

5.15.3 Where access to a lot abutting a major road outside of the Commercial zone is available only from that road, parking, servicing, and circulation areas within the lot shall be designed and constructed so as to allow unhindered movement within the lot and to enable vehicles to enter and leave the site in forward gear.

5.16 DEVELOPMENT OF LAND WITHOUT CONSTRUCTED/DEDICATED ROAD FRONTAGE OR ACCESS

Where the local government’s development approval is required on land not abutting a constructed gazetted road the local government, in considering the application, may—

- (i) refuse the application until the road has been constructed and access by means of a dedicated road is provided; or
- (ii) require other legal arrangements to be made for permanent legal access, to the satisfaction of the local government; or
- (iii) where dedicated road access is available grant approval to the application subject to a condition requiring the applicant to pay a sum of money for the cost of constructing the road or part thereof.”

47. Renumbering Clause 6.11 to 5.18, deleting the words “Table 3” in sub-clause 6.11.1 and replacing it with “any relevant Local Planning Policy”, deleting Table 3—Outbuildings and deleting sub-clause 6.11.2.

48. Inserting Clauses 5.20—5.24 as follows—

“5.20 GENERAL APPEARANCE OF BUILDINGS AND PRESERVATION OF AMENITY

5.20.1 Where, in the opinion of the local government, any proposed building or the erection of structures or carrying out of site works proposed as part of a development application is out of harmony with existing buildings or the landscape of the locality by virtue of the design and appearance of the development, the colour or type of materials to be used on exposed surfaces, the height, bulk and massing of any building, the local government may refuse the application notwithstanding that it otherwise complies with, the provisions of the Scheme, or may place conditions on any planning approval granted for the proposed development to ensure that it will not have an adverse impact on the character of the area or the amenity and landscape quality of the locality.

5.20.2 In exercising its discretion under this clause, the local government shall have regard to the following when assessing any application for Planning Approval—

- (i) the external appearance of the building and any associated structures and landscaping;
- (ii) the dimensions and proportions of the building or structure;
- (iii) the materials used in the construction of the building taking into consideration texture, scale, shape and colour;
- (iv) the effect of the development on nearby properties, and on the occupants of those buildings;
- (v) the effect of the development on existing and future services and community facilities. In particular, drainage, sewerage, water reticulation and existing or proposed community facilities such as schools, parks, civic buildings, malls and pedestrian links;
- (vi) the effect on the landscape and environment generally; and
- (vii) any other matter which in the opinion of the local government is relevant to the amenity of the locality.

5.20.3 In responding to submissions made by persons owning or having an interest in land affected directly or indirectly by the proposal the local government shall have satisfied itself that the proposed building or structure—

- (i) will be in harmony with the general character of buildings in the locality;
- (ii) will not be detrimental to the amenity or, character of the locality or the quality of environment or the townscape;
- (iii) will observe the required setbacks from the boundaries of the lots on which it is to be constructed and will not prejudice the siting, design, aspect and privacy of buildings on other nearby lots;
- (iv) will not impact the potential for the realistic development in the opinion of the local government of other vacant blocks in the vicinity with particular regard to amenity, aspect and views; and
- (v) has been designed in harmony with the natural land form of the site.

5.21 USE OF SETBACK AREAS

5.21.1 No person shall use the setback area between the building line and the street alignment for any purpose other than one or more of the following—

- (i) means of access;
- (ii) the daily parking of vehicles;
- (iii) loading and unloading of vehicles;
- (iv) trade display only with the consent of the local government;
- (v) alfresco or other uses approved by the local government; and
- (vi) gardens and other landscaping.

5.21.2 Outdoor displays, industrial hire services, storage facilities, depots, lay-down areas and any other open area shall be sealed, paved or landscaped to the satisfaction of local government and maintained in good condition.

5.22 SHORT STAY ACCOMMODATION USES

No person shall occupy any short stay accommodation use, as specified in the zoning table for more than a total of 3 months in any 12 month period unless approved by the local government for management purposes and staff accommodation.

5.23 SERVICES TO DEVELOPMENT

The local government shall not grant its consent to the carrying out of any development on any land unless—

- (i) a water supply and facilities for the removal or disposal of sewerage and drainage are available to that land;
- (ii) appropriate legal and practical vehicular access are in place to the satisfaction of the local government; and
- (iii) satisfactory arrangements have been made for the provision of that supply and those facilities.

5.24 PARKING OF COMMERCIAL VEHICLES

5.24.1 No person shall park a Commercial Vehicle on any lot without the Planning Consent of Council. In considering an application to park a Commercial Vehicle Council shall apply the following criteria—

- (i) A person shall not park, or cause to be parked, more than one heavy vehicle per lot in the Residential, Special Residential, Rural Living, Hamel or Preston Beach zones.
- (ii) A person may park one Commercial Vehicle in the zones listed above zone if—
 - i. no part of the vehicle is parked on any portion of a right-of-way or public road contiguous with the lot;
 - ii. the vehicle forms an essential part of the lawful occupation of an occupant of the dwelling and that occupation if carried on upon the lot does not contravene the Scheme;

- iii. the vehicle is effectively screened from view from outside the lot;
- iv. the vehicle does not exceed 3.0 metres in height or 8.0 metres in length;
- v. the vehicle is parked behind the front building line;
- vi. any noise created by the vehicle does not contravene the *Environmental Protection (Noise) Regulations 1997*;
- vii. major repairs to the vehicle are not undertaken on the lot;
- viii. any minor repairs, servicing or cleaning of the vehicle are carried out in an area which is effectively screened from view from outside of the lot; and
- ix. the vehicle is not brought to or taken from the lot between the hours of 10pm and 6am.

5.24.2 For the purpose of clause 5.26.1, 'Commercial Vehicle' means a vehicle exceeding an unladen tare weight of 3 tonnes or a length of 5 metres."

- 49. Delete Clauses 6.1, 6.2, 6.14 and replace with Part 5 of the model provisions.
- 50. Delete Part 7—Special Controls.
- 51. Adding Schedule A—Supplementary provisions to the deemed provisions as follows—

“Schedule A—Supplementary provisions to the deemed provisions

These provisions are to read in conjunction with the deemed provisions (Schedule 2) contained in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Clause 61(1)(K)—the carrying out of earthworks that do not, at any point, cause the resultant ground level to deviate by greater than 0.5 metres in height above or below natural ground level, including the construction of a retaining wall.

Clause 61(1)(I)—aquaculture proposals involving the use of existing dams where no structural works are proposed;

Clause 61(1)(m)—the clearing of vegetation subject that is—

- (i) Dead, diseased or dangerous;
- (ii) Necessary for any firebreak required by law;
- (iii) For the purpose of access to an approved dwelling or outbuilding;
- (iv) Within a defined building envelope and limited to that; or
- (v) Necessary for the construction of a dwelling, outbuildings and an area of 20 metres width surrounding the dwelling for the purpose of bushfire protection.

Clause 61(1)(n)—effluent disposal systems for domestic purposes where they comply with Scheme requirements and relevant legislation;

Clause 61(1)(o)—satellite dishes and other domestic telecommunication installation unless it does not comply with any relevant adopted standards outlined in a Local Planning Policy or is located within a Heritage Area;

Clause 61(1)(q)—"Horticulture" utilising less than 1,500kl of water per annum.

Clause 61(1)(r)—"Rural Pursuit" and works associated therewith that are shown as "P" use in the Zoning Table.

Clause 61(1)(s)—The signage and advertisements contained in Schedule V of this Scheme."

- 52. Delete Part 8—Planning Consent.
- 53. Delete Part 9—Administration.
- 54. Adding the following interpretations in Schedule 1—Interpretations—
 - Abattoir:** means any premises used commercially for the slaughtering of animals for the purpose of consumption as food products.
 - Agriculture—Extensive**—as per the model provisions.
 - Agriculture—Intensive**—as per the model provisions.
 - Animal Establishment**—as per the model provisions.
 - Aquaculture:** means any fish farming operation for which an Aquaculture license issued pursuant to the provisions of the *Fish Resources Management Act 1994* (as amended), is required.
 - Brewery:** means premises the subject of a producer's licence authorising the production of beer, cider or spirits granted under the *Liquor Control Act 1988*;
 - Building Height**—as per the model provisions.
 - 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.
 - Child Care Premises**—as per the model provisions.
 - Exhibition Centre**—as per the model provisions.
 - Farm Stay Accommodation:** means accommodation provided on a rural lot and associated rural based activities carried out for the benefit of patrons, but shall exclude a Bed and Breakfast and Guesthouse.
 - Grouped Dwelling:** has the same meaning as in the Residential Design Codes of Western Australia.

Guesthouse: means an integrated building for short stay guests comprising serviced accommodation and on site tourism facilities such as reception, centralised dining and management.

Heritage Inventory: means the Municipal Inventory, as amended from time to time, prepared by the Council pursuant to Section 45 of the *Heritage of Western Australia Act 1990* (as amended).

Heritage List: means a list established under Clause 7.1 of the Scheme and may include premises in the Heritage Inventory.

Holiday House: means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast;

Incidental Use—as per the model provisions.

Laundromat: means a building, which may be open to the public, in which washing machines, with or without provision for drying clothes, are available for use.

Local Planning Strategy—as per the model provisions.

Machinery and Commercial Vehicle Sales, Service and Hire: means premises used for the sales, service and hire of commercial vehicles and large scale machinery including agricultural, earthmoving, industrial and mining machinery.

Motor Vehicle, Boat and Caravan Sales and Hire—as per the model provisions.

Motor Vehicle, Boat, Trailer and Caravan Repair: means premises used for or in connection with—

- (a) electrical and mechanical repairs, or overhauls, to vehicles, boats, trailers and caravans; or
- (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—as per the model provisions.

Net Lettable Area—as per the model provisions.

Place of Public Worship—as per the model provisions.

Predominant Use—as per the model provisions.

Recreation—Private—as per the model provisions.

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

Tourist Development: means integrated, purpose-built premises for short stay guest comprising accommodation units and on-site tourism facilities such as reception, restaurant and leisure facilities like swimming pool, gymnasium and tennis courts.

Tree Farm—as per the model provisions.

Rural Workers Dwelling: means a dwelling which—

- (a) is on land upon which there is already erected a dwelling and which is occupied by persons engaged in any use of a rural nature producing primary goods on the land, and;
- (b) can accommodate family members involved in the operation of an agricultural enterprise on that land.

Sea Containers: means a metal transportable structure designed for the storage and transport of goods from one location to another generally by road and sea.

Single house: has the same meaning as in the Residential Design Codes of Western Australia.

Telecommunication Infrastructure—as per the model provisions.

Veterinary Centre—as per the model provisions.

Zoo: means premises used for the keeping, breeding or display of fauna, but does not include kennels or keeping, breeding or showing of domestic pets.

55. Deleting the following interpretations in Schedule 1—Interpretations—

- Advertisement/Advertising Sign
- Amusement Facility
- Aquaculture
- Boarding/Lodging House
- Builder's Storage Yard
- Building Code
- Building Line
- Cattery
- Commercial Vehicle
- Consulting Rooms Group
- Dairy
- Day Care Centre
- Display Home Centre

- Effective Frontage
- Equestrian Activity
- Factory Unit Building
- Fish Shop
- Heritage Precinct
- Heritage List Inventory
- Holiday Accommodation
- Horse Keeping—Commercial
- Horse Keeping—hobby
- Horticulture
- Hospital Special Purposes
- Kennels/Cattery
- Laundry/Laundromat
- Marine Collector’s Yard
- Motor Vehicle and Marine Sales Premises
- Motor Vehicle Hire Station
- Motor Vehicle Repair Station
- Motor Vehicle Wash Station
- Museum
- Petrol Filling Station
- Piggery
- Poultry Farm
- Prison
- Private Recreation
- Professional Office
- Public Recreation
- Public Worship—Place Of
- Rabbitry
- Radio and T.V. Installation
- Reformatory
- Restoration
- Rural—Intensive Agriculture with associated sub-interruptions “Abattoir” to “Stock Feedlot”
- Rural Residential/Special Rural Use
- Stable
- Stock Feedlot
- Transportable Home
- Veterinary Consulting Rooms
- Veterinary Hospital
- Wholesale
- Zoological Gardens

56. Modifying the following interpretations in Schedule 1—Interpretations—

Absolute Majority: shall have the same meaning as is given to it in and for the purposes of the *Local Government Act 1995* (as amended).

Amusement Parlour—as per the model provisions.

Building: means any structure whether fixed or movable, temporary or permanent, placed or erected on land, and the term includes dwellings and structures appurtenant to dwellings such as carports, garages, verandas, patios, outbuildings and retaining walls, but excludes boundary fences, pergolas and swimming.

Building Envelope—as per the model provisions.

Bulky Goods Showroom—as per the model provisions.

Caravan Park—as per the model provisions.

Caretaker’s Dwelling—as per the model provisions.

Carpark—as per the model provisions.

Civic Use—as per the model provisions.

Club Premises—as per the model provisions.

Consulting Rooms—as per the model provisions.

Convenience Store—as per the model provisions.

Educational Establishment—as per the model provisions.

Family Day Care—as per the model provisions.

Fast Food Outlet—as per the model provisions.

Floor Area—as per the model provisions.

Frontage—as per the model provisions.

Funeral Parlour—as per the model provisions.

Health Studio: means premises designed and equipped for physical exercise, recreation and sporting activities and may, if approved by Council include outdoor recreation

Home Occupation—as per the model provisions.

Hostel: means accommodation which is not open to the public generally but is reserved for use solely by students and staff of educational establishments, members of societies, institutes or associations.

Hotel—as per the model provisions.

Industry—as per the model provisions.

Industry—Cottage—as per the model provisions.

Industry—Extractive—as per the model provisions.

Industry—Light—as per the model provisions.

Industry—Noxious: means an industry which is subject to licensing as “prescribed premises” under the *Environmental Protection Act 1986*, but does not include dry cleaning premises, laundromat, piggery or poultry farm.

Medical Centre—as per the model provisions.

Motel—as per the model provisions.

Non-Conforming Use—as per the model provisions.

Office—as per the model provisions.

Park Home: shall have the same meaning as in the *Caravan Parks and Camping Grounds Act 1995*.

Park Home Park—as per the model provisions.

Peel Harvey Coastal Plain Catchment: means the Peel Harvey Coastal Plain Catchment as set out in the Commission’s State Planning Policy No 2.1, gazetted 21st February 1992 together with any amendments thereto.

Plot Ratio—as per model provisions.

Potable Water: means water fit for human consumption as determined by the National Water Quality Management Strategy Australian Drinking Water Guidelines 6 (2011) or any updates.

Restaurant—as per the model provisions.

Restricted Premises—as per the model provisions.

Rural Pursuit—as per the model provisions.

Salvage Yard: means premises used for the storage and sale of materials salvaged from the erection, demolition, dismantling or renovating of, fire or flood damage to structures including (but without limiting the generality of the foregoing) building, machinery, vehicles and boats.

Service Station—as per the model provisions.

Shop—as per the model provisions.

Tavern—as per the model provisions.

Trade Display—as per the model provisions.

Warehouse—as per the model provisions.

57. Modifying the numbering of Rural Residential Zones No. 10, “R Res 10” (former Lot 2942 Old Bunbury Road, Lake Clifton) to “R Res 11” and accordingly renumber “R Res 11—R Res 14” to “R Res 12—15”.
58. Renumbering Schedule VIII to 8 and changing heading from “Environmental” to “Environmental”.
59. Renumbering Appendix 1B “Decision on Application for Council’s Planning Consent” to Appendix 2 and modify generally in accordance with the MST.
60. Modifying all references contained in the scheme to ‘Clause 9.5 Advertising of Applications’ to Part 8 of the deemed provisions.
61. Modifying all references contained in the scheme to the preparation, assessment and approval of structure plans to Parts 4 to 6 of the deemed provisions as applicable.
62. All details included in Schedule 3—Special Use Zones, Schedule 4—Additional Uses, Schedule 6—Development Areas and Schedule 8—Environmental Conditions be incorporated into the relevant tables within the scheme text and the appendices be deleted.

N. DEW, President.
I. CURLEY, Chief Executive Officer.

PL404

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT
Shire of Dalwallinu
 Local Planning Scheme No. 2—Amendment No. 3

Ref: TPS/1878

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 Dalwallinu Local Planning Scheme amendment on 12 September 2016 for the purpose of—

Amend ‘Schedule 4—Special use zones’ of the Local Planning Scheme by replacing the words ‘Structure Plan’ in the ‘Conditions’ column for SU20 with the words ‘Local development plan’.

S. CARTER, President.
 A. DOUST, Chief Executive Officer.

PL406

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT
City of Fremantle
 Local Planning Scheme No. 4—Amendment No. 65

Ref: TPS/1830

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 City of Fremantle Local Planning Scheme amendment on 13 December 2016 for the purpose of—

- (a) Amend Clause 6.8 Schedule 8—Local Planning Areas (Development Requirements) Local Planning Area 5—Beaconsfield by replacing Clause 5.1 Local Centre requirements with the following—

Zone (Within LPA Only)	Maximum External Wall Height
Local Centre	5.5m (except within Sub Area 5.3.1)

- (b) Amend Clause 6.8 Schedule 8 Local Planning Areas (Development Requirements) Local Planning Area 5—Beaconsfield by inserting the following—

LOCAL PLANNING AREA 5—BEACONSFIELD

5.3	SPECIFIC DEVELOPMENT CONTROLS FOR SUB AREAS
Sub Area 5.3.1	
<p>LEGEND</p> <p> Local Planning Area boundary Proposed LPA Sub-Area 5.3.1</p>	
<p>LOCAL PLANNING AREA 5 - Proposed Local Planning BEACONSFIELD Sub-Area 5.3.1</p>	

<p>(a) Within sub area 5.3.1, clause 4.2.5 does not apply; and Additional development standards</p> <p>(b) In applying Additional Development Standards within Sub Area 5.3.1, clause 5.2 'Matters to be considered in applying general and specific height requirements' of Local Planning Area 5 does not apply.</p> <p>(c) A minimum building height of 7 metres, including a building façade on the South Street frontage which incorporates windows and doors at the ground floor and windows to the first floor level to create interest and a sense of activity within the building, applies.</p> <p>(d) Additional development standards shall be in accordance with the criteria and standards set out in the table below—</p>	
Criteria to be met in order for additional development standards to apply	Additional development standards
<p>Land use</p> <p>(a) Notwithstanding the provisions of Table 1—Zoning, residential land uses will not be permitted in new buildings at the ground floor level with frontage to South Street, to ensure activation of development frontages to South Street.</p> <p>Vehicle access</p> <p>(b) Vehicle access to development sites with frontage to South Street and an alternative public road shall only have vehicle access via the alternative public road. Vehicle access shall be designed to encourage coordination of access to adjoining properties.</p> <p>(c) Vehicle parking shall only be provided at the rear of buildings and / or below ground level.</p> <p>(d) For new development with frontage to South St, a Traffic Impact Assessment is to be undertaken by a suitably qualified traffic engineer and shall be submitted in support of application for planning approval.</p> <p>Other design requirements</p> <p>(e) In the part of all new development with frontage to South Street the ground floor level must be no greater than 600mm above the level of the adjacent footpath, and the first floor level must be at least 4 metres above the level of the footpath adjacent to the site.</p> <p>(f) The minimum street setback shall be 10 metres at the lot boundary to South Street, and the maximum street setback shall be 12 metres at the lot boundary to South Street, unless Main Roads has no objection to a reduced street setback.</p> <p>(g) To prevent excessive breaks in building frontages to South Street, the maximum aggregate width of spaces between or to the side of the building(s) on the lot at ground floor level on the frontage to South Street is no more than 6 metres.</p> <p>(h) Open space can be reduced to 30% where development respects existing or preferred neighbourhood character.</p> <p>(i) At least 10% of the site area to be landscaped with plantings and permeable surfaces.</p> <p>(j) Any wall on the boundary of a residential zoned property outside of the sub area to be no more than 3.5m in height and 3m on average with a maximum length of two thirds of the length of the boundary.</p>	<p>Density</p> <p>(a) Residential density code R100.</p> <p>Height</p> <p>(b) Where the development site area comprises of a minimum land parcel of less than 1,000 sqm the following height requirements apply—</p> <ul style="list-style-type: none"> • A maximum external wall height of 10 metres and top of pitched roof height of 13 metres. <p>(c) Where the development site area comprises of a minimum land parcel of 1,000 sqm or more the following height requirements apply—</p> <ul style="list-style-type: none"> • The height requirements shall be in accordance with the heights specified in Table 4 and part 6.1.2 of the Residential Design Codes for R100 coded land. <p>Height buffer</p> <p>(d) Regardless of the height requirement referred to above a height buffer shall apply to development as follows—</p> <ul style="list-style-type: none"> • A maximum external wall height of 6 metres and top of pitched roof height of 9 metres for development in the sub area within 5 metres of residential zoned properties outside of the sub area. • A maximum external wall height of 9 metres and top of pitched roof height of 12 metres for development in the sub area within 15 metres of residential zoned properties outside of the sub area.

Note: Where the above criteria are not met, the height requirements in 5.1 of Local Planning Area 5 above apply.

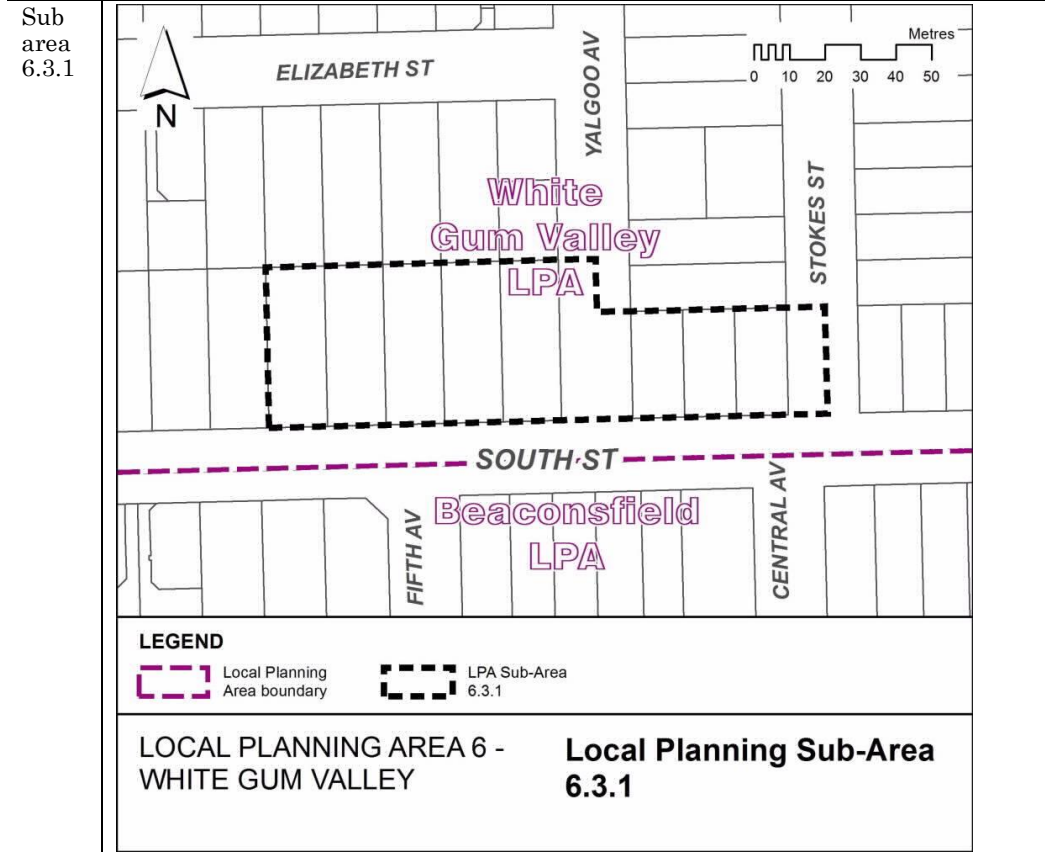
- (c) Amend Clause 6.8 Schedule 8—Local Planning Areas (Development Requirements) Local Planning Area 6—White Gum Valley by replacing Clause 6.1 Local Centre requirements with the following—

Zone (Within LPA Only)	Maximum External Wall Height
Local Centre	5.5m (except within Sub Area 6.3.1)

- (d) Amend Clause 6.8 Schedule 8 Local Planning Areas (Development Requirements) Local Planning Area 6—White Gum Valley by inserting the following—

LOCAL PLANNING AREA 6—WHITE GUM VALLEY

6.3 SPECIFIC DEVELOPMENT CONTROLS FOR SUB AREAS



- (a) Within sub area 6.3.1, clause 4.2.5 does not apply; and Additional development standards
- (b) In applying Additional Development Standards within Sub Area 6.3.1 clause 6.2 'Matters to be considered in applying general and specific height requirements' of Local Planning Area 6 does not apply.
- (c) A minimum building height of 7 metres, including a building façade on the South Street frontage which incorporates windows and doors at the ground floor and windows to the first floor level to create interest and a sense of activity within the building, applies within Area A.
- (d) Additional development standards shall be in accordance with the criteria and standards set out in the table below—

Criteria to be met in order for additional development standards to apply	Additional development standards
<p>Land use</p> <p>(a) Notwithstanding the provisions of Table 1—Zoning, residential land uses will not be permitted in new buildings at the ground floor level with frontage to South Street, to ensure activation of development frontages to South Street.</p> <p>Vehicle access</p> <p>(b) Vehicle access to development sites with frontage to South Street and an alternative public road shall only have vehicle access via the alternative public road. Vehicle access shall be designed to encourage coordination of access to adjoining properties.</p>	<p>Density</p> <p>(a) Residential density code R100.</p> <p>Height</p> <p>(b) Where the development site area comprises of a minimum land parcel of less than 1,000 sqm the following height requirements apply—</p> <ul style="list-style-type: none"> • A maximum external wall height of 10 metres and top of pitched roof height of 13 metres.

<p>(c) Vehicle parking shall only be provided at the rear of buildings and / or below ground level.</p> <p>(d) For new development with frontage to South St, a Traffic Impact Assessment is to be undertaken by a suitably qualified traffic engineer and shall be submitted in support of application for planning approval.</p> <p>Other design requirements</p> <p>(e) In the part of all new development with frontage to South Street the ground floor level must be no greater than 600mm above the level of the adjacent footpath, and the first floor level must be at least 4 metres above the level of the footpath adjacent to the site.</p> <p>(f) The minimum street setback shall be 10 metres at the lot boundary to South Street, and the maximum street setback shall be 12 metres at the lot boundary to South Street, unless Main Roads has no objection to a reduced street setback.</p> <p>(g) To prevent excessive breaks in building frontages to South Street, the maximum aggregate width of spaces between or to the side of the building(s) on the lot at ground floor level on the frontage to South Street is no more than 6 metres.</p> <p>(h) Open space can be reduced to 30% where development respects existing or preferred neighbourhood character.</p> <p>(i) At least 10% of the site area to be landscaped with plantings and permeable surfaces.</p> <p>(j) Any wall on the boundary of a residential zoned property outside of Area A to be no more than 3.5m in height and 3m on average with a maximum length of two thirds of the length of the boundary.</p>	<p>(c) Where the development site area comprises of a minimum land parcel of 1,000 sqm or more the following height requirements apply—</p> <ul style="list-style-type: none"> • The height requirements shall be in accordance with the heights specified in Table 4 and part 6.1.2 of the Residential Design Codes for R100 coded land. <p>Height buffer</p> <p>(d) Regardless of the height requirement referred to above a height buffer in Area A shall apply to development as follows</p> <ul style="list-style-type: none"> • A maximum external wall height of 6 metres and top of pitched roof height of 9 metres for development in Area A within 5 metres of residential zoned properties outside of Area A. • A maximum external wall height of 9 metres and top of pitched roof height of 12 metres for development in Area A within 15 metres of residential zoned properties outside of Area A.
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Note: Where the above criteria are not met, the height requirements in 6.1 of Local Planning Area 6 above apply.

B. PETTITT, Mayor.
G. MACKENZIE, Chief Executive Officer.

PL405

PLANNING AND DEVELOPMENT ACT 2005
APPROVED TOWN PLANNING SCHEME AMENDMENT
Town of Claremont
Town Planning Scheme No. 3—Amendment No. 130

Ref: TPS/1250

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 Town of Claremont Town Planning Scheme amendment on 22 December 2016 for the purpose of—

1. Include Schedule 1 in Town Planning Scheme No. 3 as follows—

Schedule 1—Development Zone.

	Location	Particulars of Land	Purpose and Requirements
1	Claremont North East Precinct	Claremont North East Precinct Structure Plan area as shown as Development zone on the Scheme Map and generally bounded by Lapsley Road, Davies Road, Shenton Road, Claremont Crescent, railway line and Graylands Road.	<ol style="list-style-type: none"> 1. Allow for private landowner arrangements to apply administered by LandCorp in lieu of arrangements under Clause 755 of the Scheme. 2. Car parking requirements under Table 2 of TPS No. 3 do not apply. Car parking requirements shall be as per the approved Claremont North East Precinct Structure Plan.

J. BARKER, Mayor.
S. GOODE, Chief Executive Officer.

PL407

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT

City of Stirling

Local Planning Scheme No. 3—Amendment No. 64

Ref: TPS/1751

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 City of Stirling Local Planning Scheme amendment on 30 November 2016 for the purpose of—

1. Amending 'Schedule 10—Development A (Structure Plan) Areas' to include an additional Development (Structure Plan) Area as follows—

NAME OF STRUCTURE PLAN	PURPOSE	REQUIREMENTS
Lot 201 Harkins Street and Lot 94 Arkana Road, Westminster.	1. To provide a range of residential densities with a broad mix of housing types to accommodate a diverse range of demographics such as Aged or Dependent Persons Dwellings. 2. To facilitate a range of appropriately located non-residential uses.	A structure plan prepared and approved pursuant to Part 4 of the deemed provision shall apply to the structure plan area to guide subdivision and/or development.

2. Amending the Scheme Maps as follows—

- (a) Rezoning Lot 201 Harkins Street and Lot 94 Arkana Road, Westminster from 'Residential' with a density of R40 to 'Development'; and
 (b) Applying the 'Development (Structure Plan) Area' designation over Lot 201 Harkins Street and Lot 94 Arkana Road, Westminster.

G. ITALIANO JP, Mayor.
 S. JARDINE, Chief Executive Officer.

PL408

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT

Shire of Kalamunda

Local Planning Scheme No. 3—Amendment No. 79

Ref: TPS/1667

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 Kalamunda Local Planning Scheme amendment on 30 November 2016 for the purpose of—

- (a) Amending Schedule 4 (Special Uses) by including the following provisions—

No.	Description of Land	Additional Use	Conditions
SU7	Lot 503 (105) Watsonia Road, Maida Vale	Reception Centre (D) Caretakers Dwelling (D) Place of Worship (A)	The uses of Reception Centre and Caretakers Dwelling are not permitted unless approval is granted by the Local Government. The use of Place of Worship is not permitted unless the local government has exercised its direction by granting planning approval after giving special notice in accordance with Clause 64(3) of the Deemed Provisions. Prior to the determination of planning approval by council for a 'Place of Worship' on the land, the applicant shall prepare a traffic impact assessment.

A. WADDELL, President.
 R. HARDY, Chief Executive Officer.

PL409

PLANNING AND DEVELOPMENT ACT 2005
METROPOLITAN REGION SCHEME MINOR AMENDMENT 1293/57
Shenton Park Hospital Redevelopment
Approved Amendment

File: 833-2-8-13

The Minister for Planning has approved, as advertised, the abovementioned amendment to the Metropolitan Region Scheme. The amendment is shown on Western Australian Planning Commission (WAPC) plan number 3.2616 and is effective from the date of publication of this notice in the *Government Gazette*.

Copies of the amendment and the accompanying report on submissions are available for public inspection from Tuesday 17 January 2017 to Friday 17 February 2017 at—

- Western Australian Planning Commission, William Street, Perth
- J S Battye Library, Level 3 Alexander Library Building, Perth Cultural Centre
- City of Nedlands
- City of Subiaco

Documents are also available from the PlanningWA website www.planning.wa.gov.au.

KERRINE BLENKINSOP, Secretary,
Western Australian Planning Commission.

PL410

PLANNING AND DEVELOPMENT ACT 2005
METROPOLITAN REGION SCHEME MAJOR AMENDMENT 1310/41
Guildford Road from East Parade to Tonkin Highway
Call for Public Submissions

The Western Australian Planning Commission (WAPC) intends to amend the Metropolitan Region Scheme (MRS) for land in the local governments of Bayswater and Vincent and is seeking public comment.

The amendment seeks to modify the Primary Regional Road (PRR) reservation boundaries currently reserved in the MRS for the section of Guildford Road between East Parade and Tonkin Highway.

Amending the PRR reservation for this section of Guildford Road will provide clarity and certainty for future road planning/development and facilitate orderly land use planning to occur along this corridor.

Display locations

The plans showing the proposed change and the WAPC's amendment report which explains the proposal, will be available for public inspection, free of charge from Tuesday 13 December 2016 to Friday 17 March 2017 at—

- Western Australian Planning Commission, 140 William Street, Perth
- J S Battye Library, Level 3 Alexander Library Building, Perth Cultural Centre
- City of Perth, Council House, 27 St Georges Terrace, Perth
- City of Fremantle, Town Hall Centre, 8 William Street, Fremantle
- City of Bayswater, Civic Centre and Council Chambers, 61 Broun Avenue, Morley
- City of Vincent, Administration and Civic Centre, 244 Vincent Street, Leederville
- Main Roads WA, Don Aitken Building, Waterloo Crescent, East Perth

Documents can also be viewed online at www.planning.wa.gov.au/GuildfordRoad.

Submissions

Any person who desires to make a submission to support, object or provide comment on any part of the proposed amendment should do so on a Form 41, which is available from the display locations, the amendment report and online.

Written submissions can be lodged online via mrs@planning.wa.gov.au or by post to: Secretary, Western Australian Planning Commission, Locked Bag 2506, Perth WA 6001.

Submissions close 5pm, Friday 17 March 2017. Late submissions will not be considered.

KERRINE BLENKINSOP, Secretary,
Western Australian Planning Commission.

DECEASED ESTATES

ZX401

TRUSTEES ACT 1962
DECEASED ESTATES

Notice to Creditors and Claimants

Robert Lee Griffiths of 7 Combe Place, Sorrento, WA.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates) in respect of the estate of the deceased, who died 6 October 2016, are required by the executor of his estate, Ms Terril Lantzke of 24 Scarcliffe Way, Carine WA 6020, to send particulars of their claims to her by the 13th day of February 2017, after which date the executor may convey or distribute the assets, having regard only to the claims of which she then has notice.

ZX402

TRUSTEES ACT 1962
DECEASED ESTATES

Notice to Creditors and Claimants

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates) in respect of the estate of the Janice Myrtle Hebbert, late of 23 Cecil Street, Glen Forrest in the State of Western Australia, who died on the 11th May 2016, are required by the personal representative, Darcy Ruth Hebbert to send particulars of their claims addressed to the Executrix of the Estate of the late Janice Myrtle Hebbert, care of Fort Knox Legal, Level 2 Centrepoint Tower, 123 Colin Street, West Perth WA 6005 within 60 days of publication of this notice, after which date the personal representative may convey or distribute the assets having regard only to the claims of which the personal representative then has notice.

ZX403

TRUSTEES ACT 1962
DECEASED ESTATES

Notice to Creditors and Claimants

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates) in respect of the estate of Michele Bartucciutto, late of 26 Erica Street, Coodanup in the State of Western Australia, who died on 16 August 2015, are required by the Executor, Michelle Cox to send particulars of their claims addressed to the Executors of the Estate of the late Michele Bartucciutto, care of Solomon Hollett Lawyers, 45 Ventnor Avenue West Perth in the said State within one (1) month of the date of publication of this notice, after which date the Executor may convey or distribute the assets, having regard only to the claims of which the Executor then has notice.

ZX404

TRUSTEES ACT 1962
DECEASED ESTATES

Notice to Creditors and Claimants

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates) in respect of the estate of Jack Jerome Metcalfe, late of Jeremiah Donovan House, 138 Lewis Road, Forrestfield WA deceased, who died on the 23rd of October 2016, are required by the executor of the estate namely Sam Jerome Metcalfe to send particulars of their claims to them, c/- Guardian Wills and Probate, PO Box 742, Hillarys WA 6923 within one (1) month of the date of publication hereof, after which date the executors may convey or distribute the assets having regard to the claims of which they then have notice.

PUBLIC NOTICES

ZZ401

DISPOSAL OF UNCOLLECTED GOODS ACT 1970
APPLICATION TO BE MADE TO THE COURT FOR AN ORDER TO SELL OR
OTHERWISE DISPOSE OF GOODS

Notice is hereby given to Mr Darren McSaul of 4/9 Toms Court, Bayswater WA 6053, of intention by Kwinana Performance to apply to the Magistrates Court of Western Australia to seek orders to allow for the disposal of goods. Be advised that notice was provided to you on the 13th of November 2014 that the Vehicle (Registration number 1BHY 772—Toyota Supra) was ready for collection by you. Be further advised that unless you take delivery of the vehicle or provide instruction for delivery within one month that we intend to make application to the Court to Sell or otherwise dispose of the vehicle in accordance with the Act. Notice hereby given by Kwinana Performance pursuant to the *Disposal of Uncollected Goods Act 1970*.
