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## GOVERNMENT GAZETTE

### PUBLISHING DETAILS FOR CHRISTMAS 2017 AND NEW YEAR HOLIDAY PERIOD 2018

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#### **Publishing Dates and Times**

Friday, 29 December 2017 at 12 noon

Friday, 5 January 2018 at 12 noon

#### **Closing Dates and Times for copy**

Wednesday, 27 December 2017 at **3 pm**

Wednesday, 3 January 2018 at 12 noon

There will be no *Gazette* published for Tuesday, 26 December 2017 and Tuesday, 2 January 2018.



# — PART 1 —

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## ENERGY

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EN301

Gas Supply (Gas Quality Specifications) Act 2009

### Gas Supply (Gas Quality Specifications) (Red Gully) Exemption Order 2017

Made by the Minister for Energy under section 32 of the Act.

#### 1. Citation

This order is the *Gas Supply (Gas Quality Specifications) (Red Gully) Exemption Order 2017*.

#### 2. Commencement

This order comes into operation as follows —

- (a) clauses 1 and 2 — on the day on which this order is published in the *Gazette* (*gazettal day*);
- (b) the rest of the order —
  - (i) if gazettal day is before 1 January 2018 — on 1 January 2018; or
  - (ii) if gazettal day is, or is after, 1 January 2018 — on the day after gazettal day.

#### 3. Terms used

In this order —

***Dampier to Bunbury Natural Gas Pipeline (DBNGP)*** means the pipeline covered by the following licences under the *Petroleum Pipelines Act 1969* or any licence under that Act that replaces one or more of those licences — PL 40, PL 41, PL 47 and PL 69;

***Empire Oil Company*** means Empire Oil Company (WA) Limited (ARBN 009 475 423);

***gas day*** means the 24 hour period beginning at 08:00 hours on a day and ending at 08:00 hours on the following day;

***production licence*** means petroleum production licence L 18 or L 19 under the *Petroleum and Geothermal Energy Resources Act 1967* or any licence under that Act that replaces either or both of those licences;

**Red Gully Gas Pipeline** means the pipeline covered by licence PL 96 under the *Petroleum Pipelines Act 1969* or any licence under that Act that replaces that licence.

#### 4. Exemption

- (1) This clause applies in relation to a supply of gas, produced under a production licence, that will flow into the DBNGP from the Red Gully Gas Pipeline.
- (2) Empire Oil Company is, in relation to the supply of gas, exempt from the application of section 6(1) of the Act to the extent to which that section relates to component 6 (maximum Wobbe Index) of the reference specification for the DBNGP.
- (3) The exemption is subject to the following conditions —
  - (a) the maximum Wobbe Index of the supply of gas must not exceed 52.8;
  - (b) the supply of gas in any 1 gas day must not exceed 20 terajoules of gas.
- (4) The exemption ceases to have effect at the end of 31 December 2022.

B. WYATT, Minister for Energy.

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## TRAINING

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TA301

Vocational Education and Training Act 1996

### Vocational Education and Training (General) Amendment Regulations 2017

Made by the Governor in Executive Council.

#### 1. Citation

These regulations are the *Vocational Education and Training (General) Amendment Regulations 2017*.

#### 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 42<sup>nd</sup> day after that day.

**3. Regulations amended**

These regulations amend the *Vocational Education and Training (General) Regulations 2009*.

**4. Regulation 3 amended**

In regulation 3 insert in alphabetical order —

*complying training plan* has the meaning given in regulation 43(1);

*school-based apprenticeship* has the meaning given in regulation 43(1);

**5. Regulation 43 amended**

(1) In regulation 43(1) insert in alphabetical order:

*school-based apprenticeship* means an apprenticeship that is undertaken —

- (a) by an apprentice while they are enrolled full-time at a school; and
- (b) with the intention that the apprenticeship be recognised on the apprentice's certificate of student achievement upon graduation from the school.

(2) In regulation 43(1) in the definition of *complying training plan*:

(a) in paragraph (e) delete “apprentice.” and insert:

apprentice; and

(b) after paragraph (e) insert:

- (f) if the training contract relates to a school-based apprenticeship, has been endorsed by the school at which the apprentice is enrolled;

(3) Delete regulation 43(2) and insert:

(1A) Subregulation (2) applies to the employer and apprentice under a training contract, and the nominated training provider for that contract.

(2) Each person to whom this subregulation applies must sign a complying training plan for the training contract within 6 weeks after the date on which the parties to the contract are given notice of the contract's registration under regulation 42(3)(b).

Penalty for this subregulation: a fine of \$5 000.

- (3) Subregulation (4) applies if a training contract is varied, under section 60E(4)(a) of the Act, to change the nominated training provider.
- (4) If this subregulation applies, the employer, apprentice and the nominated training provider under the varied training contract must each sign a new complying training plan for the training contract within 6 weeks after the date on which the parties to the contract are given written notice of the chief executive's approval of the variation under regulation 46(5)(b).  
Penalty for this subregulation: a fine of \$5 000.
- (5) Subregulation (6) applies if a training contract is assigned, under section 60E(4)(c) of the Act, to another employer who employs the apprentice.
- (6) If this subregulation applies, the employer, apprentice and the nominated training provider under the assigned training contract must each sign a new complying training plan for the training contract within 6 weeks after the date on which the parties to the contract are given written notice of the chief executive's approval of the assignment under regulation 47(2)(b).  
Penalty for this subregulation: a fine of \$5 000.
- (7) Within 30 days after the date on which a complying training plan is signed under this regulation by the employer, apprentice and the nominated training provider, the training provider must give written notice to the chief executive officer of the date on which the training plan was signed by the last party to sign it.  
Penalty for this subregulation: a fine of \$5 000.

## **6. Regulation 44 amended**

Delete regulation 44(a) and insert:

- (a) the chief executive is satisfied that a complying training plan for the training contract has not been signed in accordance with regulation 43(2);
- (aa) the chief executive is satisfied that a new complying training plan for the training contract has not been signed in accordance with regulation 43(4) or (6) (as the case may be);
- (ab) the chief executive is satisfied that the training plan for the training contract is not, or has ceased to be, a complying training plan;

## 7. Various penalties amended

In the provisions listed in the Table in the Penalty delete “Penalty:” and insert:

Penalty for this subregulation:

**Table**

r. 45(3)	r. 47(2)
r. 48(3)	r. 49(5), (7) and (10)
r. 52(1) and (2)	

R. KENNEDY, Clerk of the Executive Council.

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## TREASURY AND FINANCE

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TR301

First Home Owner Grant Act 2000

### First Home Owner Grant Amendment Regulations 2017

Made by the Governor in Executive Council.

#### 1. Citation

These regulations are the *First Home Owner Grant Amendment Regulations 2017*.

#### 2. Commencement

These regulations come into operation as follows —

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

#### 3. Regulations amended

These regulations amend the *First Home Owner Grant Regulations 2000*.

#### 4. Regulation 6 deleted

Delete regulation 6.

## 5. Regulation 7 amended

- (1) Delete regulation 7(2) and insert:
  - (2) If an application for a first home owner grant is in respect of a non-strata home unit, then a person who is an interested person is excluded from the operation of section 16(1) of the Act if the person is not, or will not be, on completion of the transaction to which the application relates, lawfully entitled to the exclusive right to occupy that non-strata home unit.
  
- (2) After regulation 7(2b) insert:
  - (2C) A person is excluded from the operation of section 16(1) of the Act if —
    - (a) the person is a guardian of a person under a legal disability; and
    - (b) the person holds, or will hold, on completion of the transaction to which the application for a first home owner grant relates, the relevant interest as a trustee for the person under a legal disability.
  - (2D) A person (the *co-owner*) is excluded from the operation of section 16(1) of the Act if —
    - (a) there is at least one other interested person in relation to the application for a first home owner grant; and
    - (b) the co-owner is an interested person in relation to the application only because of a requirement by a financial institution for a guarantee by the co-owner of money advanced to the applicant on the security of the land in which the co-owner has, or will have, the relevant interest.
  
- (3) In regulation 7(4) delete the definition of *relevant owner of land*.
  
- (4) In regulation 7(4) insert in alphabetical order:

*non-strata home unit* means a part of a building, being a building that —

- (a) contains 2 or more such parts, each of which is designed for use as a self-contained unit for living purposes; and



- (b) is erected on land that is owned by 2 or more persons as tenants in common, each of whom is —
  - (i) the registered proprietor under the *Transfer of Land Act 1893* of one or more undivided shares in the whole of the land; and
  - (ii) lawfully entitled to the exclusive right to occupy a specified part of the building;
- (5) After regulation 7(4) insert:
  - (5) For the purposes of subregulation (2) and paragraph (b)(ii) of the definition of *non-strata home unit* in subregulation (4), a person is lawfully entitled to the exclusive right to occupy a specified part of a building erected on land if —
    - (a) that person or their predecessor in title has entered into an agreement with all other owners of undivided shares in the land or their predecessors in title; and
    - (b) that agreement provides for them or their predecessor in title to have exclusive rights of occupation in relation to that specified part of the building (whether or not those rights are immediately exercisable).

## 6. Regulation 8 amended

- (1) In regulation 8(1) delete “section 30(3), (4)(d) and (5)(c)” and insert:

section 30(3), (4)(d), (5)(c) and (6)(c)

- (2) In regulation 8(2) delete “section 32(2), (3)(d) and (4)(c)” and insert:

section 32(2), (3)(d), (4)(c) and (5)(c)

**7. Regulation 10A inserted**

After regulation 10 insert:

**10A. Prescribed service times (s. 62(3))**

For the purposes of section 62(3) of the Act, if a notice or other document is not served personally, the document is taken to be served —

- (a) if sent by post to an address within the State, on the 4<sup>th</sup> business day following the day on which the document is sent to the person to whom it is addressed;
- (b) if sent by post to an address outside the State but within Australia, on the 6<sup>th</sup> business day following the day on which the document is sent to the person to whom it is addressed;
- (c) if sent by post to an address outside Australia, on the 14<sup>th</sup> business day following the day on which the document is sent to the person to whom it is addressed;
- (d) in any other case, on the business day following the day on which the document is sent to, left for, or otherwise communicated to, the person to whom it is addressed.

R. KENNEDY, Clerk of the Executive Council.

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**WATER**

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WA301

Country Areas Water Supply Act 1947

**Country Areas Water Supply (Four Mile Creek Water Reserve) Abolition Order 2017**

Made by the Governor in Executive Council under section 9(1)(d) of the Act.

**1. Citation**

This order is the *Country Areas Water Supply (Four Mile Creek Water Reserve) Abolition Order 2017*.

**2. Commencement**

This order comes into operation as follows —

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

**3. Four Mile Creek Water Reserve**

- (1) In this clause —

*Four Mile Creek Water Reserve* means the Four Mile Creek Water Reserve constituted under section 9 of the Act by an Order in Council published in the *Gazette* on 28 January 1966 at p. 204.

- (2) The Four Mile Creek Water Reserve is abolished.

R. KENNEDY, Clerk of the Executive Council.

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## — PART 2 —

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### FIRE AND EMERGENCY SERVICES

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**FE401**

**BUSH FIRES ACT 1954**  
TOTAL FIRE BAN DECLARATION

Correspondence No. 12080

Pursuant to powers delegated under the *Bush Fires Act 1954*, the Assistant Commissioner of the Department of Fire and Emergency Services, declared under Section 22A of the *Bush Fires Act 1954*, a total fire ban for 21st December 2017 for the local government districts of—

Greater Geraldton, Chapman Valley, Northampton, Mingenew, Morawa, Carnarvon, Shark Bay

GRAHAM SWIFT, Assistant Commissioner of the Department of Fire and Emergency Services, as a sub-delegate of the Minister under section 16 of the *Fire and Emergency Services Act 1998*.

20th December 2017.

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**FE402**

**BUSH FIRES ACT 1954**  
TOTAL FIRE BAN DECLARATION

Correspondence No. 12080

Pursuant to powers delegated under the *Bush Fires Act 1954*, the Assistant Commissioner of the Department of Fire and Emergency Services, declared under Section 22A of the *Bush Fires Act 1954*, a total fire ban for 22nd December 2017 for the local government districts of—

Sandstone, Wiluna, Kalgoorlie-Boulder, Coolgardie, Dundas, Laverton, Leonora, Menzies, Mount Marshall, Mukinbudin, Westonia, Yilgarn

GRAHAM SWIFT, Assistant Commissioner of the Department of Fire and Emergency Services, as a sub-delegate of the Minister under section 16 of the *Fire and Emergency Services Act 1998*.

21st December 2017.

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**FE403**

**BUSH FIRES ACT 1954**  
TOTAL FIRE BAN REVOCATION

Correspondence No. 12080

Pursuant to powers delegated under the *Bush Fires Act 1954*, the total fire ban for 21st December 2017 is revoked from 0600 hrs for the local government districts of—

Greater Geraldton, Chapman Valley, Mingenew, Morawa, Northampton

CRAIG WATERS, Assistant Commissioner of the Department of Fire and Emergency Services, as a sub-delegate of the Minister under section 16 of the *Fire and Emergency Services Act 1998*.

21st December 2017.

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## HEALTH

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HE401

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

#### HEALTH PRACTITIONER REGULATION NATIONAL LAW (WESTERN AUSTRALIA)

##### MEDICAL (AREA OF NEED) DETERMINATION (NO. 37) 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 (No. 37) 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 two years after its commencement.

### SCHEDULE

#### RADIOLOGY SERVICES IN THE SUBURB OF KWINANA IN THE CITY OF KWINANA

Dated this 19th day of December 2017.

Professor DAVID FORBES, A/Chief Medical Officer,  
Department of Health.  
As delegate of the Minister for Health.

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## JUSTICE

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JU401

### PROFESSIONAL STANDARDS ACT 1997

#### THE CPA AUSTRALIA LTD PROFESSIONAL STANDARDS (ACCOUNTANTS) SCHEME

I, John Quigley MLA, Attorney General, pursuant to section 26 of the *Professional Standards Act 1997* WA (the Act), authorise the publication of The CPA Australia Ltd Professional Standards (Accountants) Scheme (the Scheme) submitted to me by the Professional Standards Council of New South Wales, pursuant to the mutual recognition provisions of the New South Wales and Western Australian professional standards legislation. The Scheme is published with this authorisation and remains in force for a period of two years from its commencement unless the Scheme is revoked, extended, or its operation ceases as specified in the Act.

Hon. JOHN QUIGLEY MLA, Attorney General.

Dated: 19 December 2017.

#### THE CPA AUSTRALIA LTD PROFESSIONAL STANDARDS (ACCOUNTANTS) SCHEME

##### *Professional Standards Act 1994 (NSW)*

#### PREAMBLE

- A. CPA Australia Ltd (“CPA Australia”) is a national occupational association.
- B. CPA Australia has made an application to the Professional Standards Council, appointed under the *Professional Standards Act 1994* (NSW) (“the Act”) for approval of a scheme under the Act.
- C. The Scheme is prepared by CPA Australia for the purposes of limiting Occupational Liability to the extent to which such liability may be limited under the Act.
- D. The Scheme propounded by CPA Australia is to apply to all participating members referred to in clause 2 of the Scheme and as otherwise stated in that clause.

- E. CPA Australia has furnished the Council with a detailed list of the risk management strategies intended to be implemented in respect of its members and the means by which those strategies are intended to be implemented.
- F. All participating members referred to in clause 2 of the Scheme are subject to disciplinary measures under the Constitution and By-Laws of CPA Australia and are also subject to the professional indemnity insurance requirements under the By-Laws of CPA Australia.
- G. The Scheme is intended to remain in force for a period of two (2) years from the date of commencement in each jurisdiction for which it is in force unless it is revoked, extended or ceases in accordance with section 32 of the Act.
- H. This Scheme is not intended to apply to holders of an Australian Financial Services Licence under Chapter 7 of the *Corporations Act 2001* (Cth) other than those who hold a Limited Licence.

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## THE CPA AUSTRALIA LTD PROFESSIONAL STANDARDS (ACCOUNTANTS) SCHEME

### 1. Occupational Association

1.1. The CPA Australia Ltd Professional Standards (Accountants) Scheme (the “Scheme”) is a scheme under “the Act” of CPA Australia, Level 20, 28 Freshwater Place, Southbank Victoria 3006.

1.2. Definitions of terms used in the Scheme appear in the Scheme, including in Part 4.

### 2. Persons to Whom the Scheme Applies

2.1. This Scheme applies to—

- (a) all CPA Australia members who hold a current Public Practice Certificate issued by CPA Australia other than—
  - (i) such members who also hold an Australian Financial Services Licence granted in accordance with section 913B of the *Corporations Act 2001* (Cth), not being a Limited Licence; and
  - (ii) Representatives of licensees under section 913B of the *Corporations Act 2001* (Cth), not being a Limited Licence;

And

- (b) all persons to whom the Scheme applies, by virtue of the Act<sup>1</sup> and the corresponding provisions of the Acts<sup>2</sup> of other jurisdictions in which the Scheme applies.

Each such participating member and person is referred to in the Scheme as a “participant”.

2.2 No participant to whom the Scheme applies may choose not to be subject to the Scheme, however CPA Australia may, on written application by a participant referred to in clause 2.1(a), exempt the participant from the Scheme if CPA Australia is satisfied that he or she would suffer financial hardship in obtaining professional indemnity insurance to the levels set out in clause 3 below.

2.3 All participating members referred to in this clause 2 of the Scheme are subject to disciplinary measures under the Constitution and By-Laws of CPA Australia and are also subject to the professional indemnity insurance requirements under the By-Laws of CPA Australia.

### 3. Limitation of Liability

3.1 This Scheme only affects the Occupational Liability of a participant for damages<sup>3</sup> arising from a Cause of Action to the extent to which the liability results in damages exceeding \$2 million.

3.2. Where a participant against whom a proceeding is brought relating to Occupational Liability in connection with Category 1 services is able to satisfy the court that the participant has the benefit of an Insurance Policy insuring the participant against the Occupational Liability and the amount payable under the Insurance Policy in respect of the Occupational Liability relating to the Cause of Action (including any amount payable by the person by way of excess under or in relation to the Policy) is not less than the Category 1 monetary ceiling determined in accordance with the table in clause 3.3, then the participant is not liable in damages in relation to that Cause of Action above the Category 1 monetary ceiling specified in clause 3.3.

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<sup>1</sup> Sections 18 and 19 of the Act provide that if the Scheme applies to a body corporate, the Scheme also applies to each officer of the body corporate and if the Scheme applies to a person, the Scheme also applies to each partner of a person, and if the Scheme applies to a person, the Scheme also applies to each employee of that person, provided that if such officer of the corporation or partner of the person or employee of the person is entitled to be a member of the same occupational association, such officer, partner or employee is a member of the occupational association. Section 20 provides that the Scheme may also apply to other persons as specified in that section. Section 20A extends the limitation of liability of persons to whom the scheme applies by virtue of sections 18 to 20.

<sup>2</sup> *Professional Standards Act 2003* (Vic); *Professional Standards Act 2004* (Qld); *Professional Standards Act 2004* (SA); *Professional Standards Act 1997* (WA); *Professional Standards Act 2005* (Tas); *Professional Standards Act 2004* (NT); *Civil Law (Wrongs) Act 2002* (ACT)

<sup>3</sup> Damages as defined in section 4 of the Act means—

- (a) damages awarded in respect of a claim or counter-claim or by way of set-off; and
- (b) costs in or in relation to the proceedings ordered to be paid in connection with such an award (other than costs incurred in enforcing a judgment or incurred on an appeal made by a defendant); and
- (c) any interest payable on the amount of those damages or costs.

3.3. The Category 1 monetary ceiling is an amount specified in the table below—

<b>Groups</b>	<b>Monetary ceiling</b>
1. Participants who at the Relevant Time were in an Accounting Practice which generated total annual fee income, for the financial year immediately preceding the Relevant Time, of less than \$10 million.	\$2 million
2. Participants other than those in Groups 1 and 3.	\$10 million
3. Participants who at the Relevant Time were in an Accounting Practice which generated total annual fee income, for the financial year immediately preceding the Relevant Time, greater than \$20 million.	\$75 million

3.4 Where a participant against whom a proceeding is brought relating to Occupational Liability in connection with Category 2 services is able to satisfy the court that the participant has the benefit of an Insurance Policy insuring the participant against the Occupational Liability, and the amount payable under the insurance policy in respect of the Occupational Liability relating to that Cause of Action (including any amount payable by the person by way of excess under or in relation to the policy) is not less than the Category 2 monetary ceiling determined in accordance with the table in clause 3.5 below, then the participant is not liable in damages in relation to that Cause of Action above the Category 2 monetary ceiling specified in clause 3.5.

3.5 The Category 2 monetary ceiling is the amount specified in the table below.

<b>Groups</b>	<b>Monetary ceiling</b>
1. Participants who at the Relevant Time were in an Accounting Practice which generated total annual fee income, for the financial year immediately preceding the Relevant Time, of less than \$10 million.	\$2 million
2. Participants other than those in Groups 1 and 3.	\$10 million
3. Participants who at the Relevant Time were in an Accounting Practice which generated total annual fee income, for the financial year immediately preceding the Relevant Time, greater than \$20 million.	\$20 million

3.6 Where a participant against whom a proceeding is brought relating to Occupational Liability in connection with Category 3 services is able to satisfy the court that the participant has the benefit of an Insurance Policy insuring the participant against the Occupational Liability, and the amount payable under the Insurance Policy in respect of the Occupational Liability relating to that Cause of Action (including any amount payable by the person by way of excess under or in relation to the Policy) is not less than the amount of the Category 3 monetary ceiling determined in accordance with the table in clause 3.7 below, then the participant is not liable in damages in relation to that Cause of Action above the Category 3 monetary ceiling specified in clause 3.7.

3.7 The Category 3 monetary ceiling is the amount specified in the table below.

<b>Groups</b>	<b>Monetary ceiling</b>
1. Participants who at the Relevant Time were in an Accounting Practice which generated total annual fee income, for the financial year immediately preceding the Relevant Time, of less than \$10 million.	\$2 million
2. Participants other than those in Groups 1 and 3.	\$10 million
3. Participants who at the Relevant Time were in an Accounting Practice which generated total annual fee income, for the financial year immediately preceding the Relevant Time, greater than \$20 million.	\$20 million

3.8. Pursuant to section 24 of the Act, this Scheme confers on CPA Australia a discretionary authority to specify, on application by a participant member, a higher maximum amount of liability not exceeding \$75 million than would otherwise apply under the Scheme in respect of any specified case or class of case of Category 2 services or Category 3 services.

3.9. In circumstances where the services provided by a participant comprise a combination of Category 1 services and any of—

- (a) Category 2 services;
- (b) Category 3 services;
- (c) Category 2 services and Category 3 services,

the participant's liability under this Scheme for damages in respect of a proceeding in relation to Occupational Liability in excess of the applicable amount specified in clause 3.1 will be determined in accordance with those provisions of the Scheme relating to Category 1 services only.

3.10. In circumstances where the services provided by a participant comprise a combination of Category 2 services and Category 3 services, the participant's liability under this Scheme for damages in respect of a proceeding in relation to Occupational Liability in excess of the applicable amount specified in clause 3.1 will be determined (subject to clause 3.9) in accordance with those provisions of the Scheme relating to Category 2 services only.

3.11. Nothing in this scheme is intended to increase, or has the effect of increasing, a participant's liability for damages to a person beyond the amount that, other than for the existence of this Scheme, the participant would be liable in law.

3.12. This Scheme only limits the amount of damages for which a participant is liable if and to the extent that it exceeds the amount specified in clause 3.1. Where the amount of damages in relation to

a Cause of Action exceeds the amount specified in clause 3.1 liability for those damages will instead be limited to the amount specified in the applicable other provision of this clause 3.

3.13. Notwithstanding anything to the contrary contained in this scheme, if in particular circumstances giving rise to Occupational Liability, the liability of any participant should be capped both by this scheme and also by any other scheme under Professional Standards legislation (whether of this jurisdiction or under the law of any other Australian state or territory) and, if the amount of such caps should differ, then the cap which is higher shall be the applicable cap.

#### 4. Definitions

4.1. In this Scheme, the following words and phrases have the following meanings—

“**Accounting Practice**” means the activities of a member including those who provide Public Accounting Services through an Approved Practice Entity (in accordance with the requirements of By-Law 9.3 of the By-Laws).

“**Act**” means *Professional Standards Act 1994* (NSW)

“**Acts**” means state and territory legislation other than the Act, including—

- (a) *Professional Standards Act 2003* (Vic);
- (b) *Professional Standards Act 2004* (Qld);
- (c) *Professional Standards Act 2004* (SA);
- (d) *Professional Standards Act 1997* (WA);
- (e) *Professional Standards Act 2005* (Tas);
- (f) *Professional Standards Act 2004* (NT); and
- (g) *Civil Law (Wrongs) Act 2002* (ACT)

“**Approved Practice Entity**” means such entities as defined as Approved Practice Entity in By-Law 9.3 of the By-Laws.

“**By-Laws**” means the By-Laws of CPA Australia Limited.

“**Category 1 services**” means—

- (a) all services required by Australian law to be provided only by a registered company auditor;
- (b) all other services provided by a registered company auditor in his or her capacity as auditor;
- (c) all services the deliverables from which—
  - (i) will be used in determining the nature, timing and extent of audit procedures in the context of an audit of a financial report; or
  - (ii) will be incorporated into the financial report of an entity; or
  - (iii) are required by law or regulation to be filed with a regulator (excluding returns signed by a registered tax agent).

“**Category 2 services**” means—

- (a) services to which Chapter 5 or Chapter 5A of the *Corporations Act 2001* (Cth) applies;
- (b) services provided pursuant to section 233(2) of the *Corporations Act*;
- (c) services to which the *Bankruptcy Act 1966* (Cth) applies; or
- (d) services arising out of any court appointed liquidation or receivership.

“**Category 3 services**” means any services provided by a participant in the performance of his, her or its occupation, which are not Category 1 or Category 2 services.

“**Cause of Action**” means and includes all causes of action arising from the same source or originating cause.

“**Financial Services**” means financial services as described in Chapter 7 of the *Corporations Act 2001* (Cth) and the Regulations made under it, as amended from time to time but does not include those provided under a Limited Licence.

“**Insurance Policy**” means an insurance policy that complies with By-Law 9.8 of the By-Laws and section 27 of the Act.

“**Limited Licence**” means a licence to provide only limited financial services as defined in Regulations 7.8.12A and 7.8.14B of the *Corporations Regulations 2001* (Cth).

“**Occupational Liability**” has the same meaning as is ascribed to that term in the Act<sup>4</sup> and Acts.

“**Public Accounting Services**” means those services defined as public accounting services in the By-Laws.

“**Principal(s)**” for the purposes of clauses 3.3, 3.5, and 3.7 means a person(s) in a Public Accounting Practice who is affiliated with the Controlled Person within the meaning of By-Law 1.2(c) of the By-Laws.

“**Public Practice Certificate**” means a Public Practice Certificate issued by CPA Australia Ltd, permitting a Member to provide Public Accounting Services.

<sup>4</sup> Occupational liability is defined in the Act as meaning “civil liability arising (in tort, contract or otherwise) directly or vicariously from anything done or omitted by a member of an occupational association acting in the performance of his or her occupation”.



“**Relevant Time**” means, in respect of a liability potentially limited by the Scheme, the period from the time(s) of the act(s) or omission(s) giving rise to the liability until the date that is seven years after the last such act or omission took place.

## 5. Jurisdiction

5.1. This Scheme is intended to operate in New South Wales. This Scheme is also intended to operate in the Australian Capital Territory, the Northern Territory of Australia, Victoria, Queensland, South Australia, Tasmania and Western Australia by way of mutual recognition under the professional standards legislation.

## 6. Commencement date and duration

6.1.1. This Scheme will commence on the day after the date of Gazettal in each of the following jurisdictions respectively: New South Wales, the Australian Capital Territory, the Northern Territory of Australia, Queensland, South Australia and Western Australia; and

6.1.2. In the event the Scheme or a notice relating to the Scheme is published in the Gazette in each of Victoria and Tasmania, on such day that is two (2) months after the date of its publication in each of those jurisdictions respectively.

6.2. The Scheme will operate for and is intended to remain in force for a period of two (2) years from the date of commencement in each jurisdiction for which it is in force unless it is revoked, extended or ceases in accordance with section 32 of the Act.

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# LOCAL GOVERNMENT

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LG401

## LOCAL GOVERNMENT ACT 1995

*City of Kwinana*

### BASIS OF RATES

I, Michael Connolly, being delegated by the Minister of the Crown to whom the administration of the *Local Government Act 1995* is committed by the Governor, and acting pursuant to section 6.28 (1) of that Act, hereby, and with effect from 21 November 2017 determine that the method of valuation to be used by the City of Kwinana, as the basis for a rate in respect of the land referred to in the Schedule is to be the gross rental value of the land—

#### Schedule

	Designated land
UV to GRV	All those portions of land being Lots 72 to 118 inclusive as shown on Deposited Plan 407966.

MICHAEL CONNOLLY, Deputy Director General—Regulation,  
Department of Local Government, Sport and Cultural Industries.

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# MARINE/MARITIME

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MA401

## WESTERN AUSTRALIAN MARINE ACT 1982

### NAVIGABLE WATERS REGULATIONS 1958

#### PROHIBITED SWIMMING AREA

Pyrotechnic Display

*Town of Victoria Park*

Department of Transport,  
Fremantle WA, 29th December 2017.

Acting pursuant to the powers conferred by Regulation 10A (b) of the *Navigable Waters Regulations 1958*, I hereby close all of the following waters to swimming, between the hours of 11:45pm on Sunday 31st December 2017 and 12:10am on Monday 1st January 2018.

#### Burswood, Swan River—

Area of Closure:—All the waters within a 200 metre radius of the two firing barges located at approximately 31° 57.645'S, 115°53.341'E and 31° 57.533'S, 115°53.293'E.

This area is set aside for safety measures during the set up and display of pyrotechnics.

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

MA402

**WESTERN AUSTRALIAN MARINE ACT 1982**  
**NAVIGABLE WATERS REGULATIONS 1958**  
 PROHIBITED SWIMMING AREA  
 Pyrotechnics Display  
 Canning Bridge, Canning River  
*City of Melville*

Department of Transport,  
 Fremantle WA, 29th December 2017.

Acting pursuant to the powers conferred by Regulation 10A (b) of the *Navigable Waters Regulations 1958* I hereby close all of the following waters to swimming between 11:45pm on Sunday 31st December 2017 and 12:15am on Monday 1st January 2018.

**Canning River—**

Area of Closure:—All the waters within a 45 metre radius of the firing point located at approximately 32°0.617'S, 115°51.212'E adjacent to the Raffles hotel.

This area is set aside for safety measures during the set up and display of pyrotechnics.

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

**PLANNING**

PL401

**PLANNING AND DEVELOPMENT ACT 2005**  
 APPROVED TOWN PLANNING SCHEME AMENDMENT  
*Shire of Denmark*  
 Town Planning Scheme No. 3—Amendment No. 141

Ref: TPS/1887

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 Denmark Town Planning Scheme amendment on 13 December 2017 for the purpose of—

1. Inserting new 'General Industry' and 'Special Use' zones to Clause 3.1.1.
2. Inserting Clause 3.1.3(k) as follows—  
 'General Industry Zone—to provide for a broad range of industrial, service and storage activities which, by the nature of their operations, should be isolated from residential and other sensitive land uses.  
 To accommodate industry that would not otherwise comply with the performance standards of light industry.  
 Seek to manage impacts such as noise, dust, light and odour within the zone.'
3. Inserting Clause 3.1.3(l) as follows—  
 'Special Use Zone—to facilitate special categories of land uses which do not sit comfortably within any other zone.  
 To enable the Council to impose specific conditions associated with the special use.'
4. Adding the use class of 'Caretaker's Dwelling' to Table 1—Zoning Table with the following symbols to apply—

	Residential	Tourist	Commercial	Industrial	Rural	Special Rural	Rural Multiple Occupancy	Special Residential	Landscape Protection	Professional Office
Caretaker's Dwelling		AA	AA		AA	Refer to Appendix 6 and Clause 5.38		Refer to Appendix 14 and Clause 5.38	Refer to Appendix 15 and Clause 5.38	AA

## 5. Amending Table 1—Zoning Table as follows—

Use Class	General Industry	Special Use
Aged or Dependent Persons Dwelling		
Aquaculture		
Boarding House		
Caravan Park		
Caretaker's Dwelling		
Cellar Sales		
Child Minding Centre		
Club Premises		
Consulting Rooms		
Cottage Industry		
Education Establishment		
Extractive Industry		
Fast Food Outlet		
Feedlot Farming		
Fuel Depot	AA	
Gallery/Restaurant		
Garden Centre		
General Industry	AA	
Grouped Dwelling		
Holiday Accommodation		
Holiday Home (large)		
Holiday Home (standard)		
Home Business		
Home Occupation		
Horticulture		
Hotel		
Kennels		
Light Industry		
Market		
Medical Centre		
Motel		
Noxious Industry	SA	
Office	IP	
Piggery		
Poultry Farming		
Private Recreation		
Private Tree Plantation		
Public Amusement		
Public Worship		
Relocated Dwelling		
Residential Building		
Restaurant		
Rural Industry	SA	
Rural Pursuit		
Service Industry	AA	
Service Station	AA	
Shop	IP	
Showroom		
Single House		
Tavern		
Telecommunications Infrastructure	AA	
Transport Depot	AA	
Tree Felling		

Refer to Appendix XVIII

Use Class	General Industry	Special Use
Vehicle Repairs	AA	Refer to Appendix XVIII
Vehicle Sales and Hire		
Vehicle Wrecking	AA	
Veterinary Establishment	SA	
Warehouse	AA	
Winery		

6. Amending Table 2—Development Standards as follows—

GENERAL INDUSTRY	15	5	10	0.6:1	(B)	2.5
SPECIAL USE	(B)	(B)	(B)	(B)	(B)	(B)

7. Adding Clause 5.39 as follows—

**‘GENERAL INDUSTRY ZONE PROVISIONS**

5.39.1 Minimum lot size for ‘General Industry’ zoned lots shall be 4000m<sup>2</sup>.

5.39.2 In considering an application for subdivision and/or development approval within the General Industry zone, the local government shall have regard, but not limited to, the following matters including the preparation and approval of the following supporting documents—

- (i) preparation of an Urban Water Management Plan endorsed by the applicable agency;
- (ii) preparation of a Landscape Plan to identify areas of vegetation retention and/or revegetation of the lot and on adjoining road reserve/s;
- (iii) preparation of a Bushfire Management Plan endorsed by the applicable agency;
- (iv) land use buffer considerations in accordance with the Environmental Protection Authority’s Guidance Statement No. 3—Separation Distances between Industrial and Sensitive Land Uses;
- (v) provision of reticulated water;
- (vi) heights of buildings/structures, risks (including bushfire risk), hazards health and amenity associated with the proposed use being located in proximity to existing and approved adjoining and surrounding land uses including the airport;
- (vii) water usage requirements of the proposed industry;
- (viii) pollutants such as oil, grease and suspended solids not to be permitted to enter natural drainage systems; and
- (ix) the practicability and effectiveness of any other amelioration measures which form part of the proposed development.

5.39.3 The use of zincalume as a roof and/or wall material for buildings is prohibited.

8. Adding Clause 5.40 as follows—

**‘5.40 SPECIAL USE ZONE PROVISIONS**

5.40.1 Scheme provisions for a specific Special Use zone shall be as set out in Appendix XVIII.

5.40.2 The Table sets out—

- (a) special use zones for specified land that are in addition to the zones in the zoning table; and
- (b) the classes of special use that are permissible in that zone; and
- (c) the conditions that apply in respect of the special uses.

5.40.3 A person must not use any land, or any structure or buildings on land, in a special use zone except for a class of use that is permissible in that zone and subject to the conditions that apply to that use.

Note—

Special use zones apply to special categories of land use which do not comfortably sit within any other zone in the Scheme.’

9. Adding a new ‘Appendix XVIII—Special Use Zone’ as follows—

SU No.	Particulars of the Land	Special Uses	Conditions

10. Updating the Table of Contents accordingly.

11. Adding ‘General Industry’ and ‘Special Use’ zones to the Scheme Map legend accordingly as per the Scheme Amendment Map.

12. Rezoning No. 99 (Lot 556) McIntosh Road, Hay from ‘Public Use’ reserve’ to ‘General Industry’ zone and amending the Scheme Map accordingly.

13. Rezoning No. 652 (Lot 2) South Coast Highway, Hay from ‘Rural’ to part ‘General Industry’ zone and part ‘Special Use (SU 1)’ zone and amending the Scheme Map accordingly.

## 14. Inserting Special Use (SU1) zone provisions in 'Appendix XVIII—Special Use Zones' as follows—

SU No.	Particulars of the Land	Special Uses	Conditions
SU1	Ptn of No. 652 (Lot 2) South Coast Highway, Hay	<p>Rural Enterprise Precinct Objectives—</p> <ul style="list-style-type: none"> <li>• To provide for light industrial and ancillary residential development on one lot.</li> <li>• To provide for lot sizes in the range of 1 to 4 hectares.</li> <li>• To carefully design rural enterprise estates to provide a reasonable standard of amenity (within the precinct and the surrounding locality) without limiting light industrial land uses.</li> <li>• To provide a transition use between the 'General Industry' zone to the north of the precinct and South Coast Highway, acknowledging the precinct's location on South Coast Highway being the 'gateway' into Denmark.</li> <li>• To notify prospective purchasers of potential amenity impacts from industrial land uses on-site and from the adjoining industrial area.</li> </ul>	<p>1. Notwithstanding any other provisions of the scheme, the following land uses are the only permissible land uses in this zone—</p> <p>'AA' Uses—</p> <ul style="list-style-type: none"> <li>• Light Industry</li> </ul> <p>'SA' Uses—</p> <ul style="list-style-type: none"> <li>• Aquaculture</li> <li>• Garden Centre</li> <li>• Service Industry</li> <li>• Transport Depot</li> </ul> <p>'IP' Uses—</p> <ul style="list-style-type: none"> <li>• Single House</li> </ul> <p>2. Prior to subdivision and/or development of the site (excluding subdivision of the subject site to reflect the boundaries of the 'General Industry' and 'Special Use' zones), the following documents are to be prepared and approved by the local government—</p> <ul style="list-style-type: none"> <li>(i) a Local Development Plan;</li> <li>(ii) an Urban Water Management Plan endorsed by the applicable agency;</li> <li>(iii) a Landscape Plan to identify areas of vegetation retention and/or revegetation of the road reserve along McIntosh Rd and vegetation retention and/or revegetation areas to address visual amenity impacts of the development from South Coast Highway; and</li> <li>(iv) a Bushfire Management Plan endorsed by the applicable agency.</li> </ul> <p>3. The Local Development Plan is to guide and coordinate development and subdivision of the site and shall suitably address matters including, but not necessarily limited to—</p> <ul style="list-style-type: none"> <li>(i) lot configuration;</li> <li>(ii) provision of reticulated water;</li> <li>(iii) location of suitable development areas for industrial uses and ancillary residential development on-site;</li> <li>(iv) land use buffer considerations in accordance with the Environmental Protection Authority's <i>Guidance Statement No. 3—Separation Distances between Industrial and Sensitive Land Uses</i>;</li> <li>(v) appropriate height and design of buildings and structures to mitigate risks to safety and amenity associated with the proposed use in relation to approved adjoining and surrounding land uses including the airport;</li> <li>(vi) the water usage requirements of the proposed industry;</li> <li>(vii) pollutants such as oil, grease and suspended solids not to be permitted to enter natural drainage systems;</li> <li>(viii) vehicular access arrangements— noting no vehicular access is permissible to South Coast Highway (other than an emergency access way as approved by Main Roads WA);</li> <li>(ix) servicing arrangements including stormwater management; and</li> <li>(x) signage, building material and fencing considerations.</li> </ul> <p>4. Development and subdivision shall generally be in accordance with the approved Local Development Plan.</p>

D. MORRELL, President.  
B. PARKER, Chief Executive Officer.

**PL402**

**PLANNING AND DEVELOPMENT ACT 2005**  
**APPROVED LOCAL PLANNING SCHEME AMENDMENT**  
*Shire of Mt Marshall*  
 Local Planning Scheme No. 3—Amendment No. 1

Ref: TPS/2035

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 Mt Marshall Local Planning Scheme amendment on 13 December 2017 for the purpose of—

- (1) modifying Table 1—Zoning Table to permit ‘Group Dwelling’ in a Rural zone as a ‘D’.
- (2) inserting new Causes under Clause 4.9, Part 4—General Development Requirements, as follows—

4.9.2 Additional dwellings

In the Rural zone, the erection of more than one (1) single house per lot will generally not be supported. The local government may, at its discretion, approve the erection of one (1) additional dwelling on a rural lot provided that—

- (a) the total number of dwellings on the lot will not exceed three (3) dwellings;
  - (b) the additional dwelling(s) complies with the setback requirements for the Residential Design Code R2;
  - (c) the lot has an area of not less than 40 hectares;
  - (d) it can be demonstrated that the additional dwelling(s) is for workers or family members employed for primary production activities on that lot;
  - (e) adequate provision of potable water for and disposal of sewage from the additional dwelling(s) can be demonstrated;
  - (f) the additional dwelling(s) will not adversely detract from the rural character and amenity of the area or conflict with primary production on the subject lot or adjoining land;
  - (g) access to the existing road network is to be provided for any additional dwelling(s) and shared with any existing dwelling(s) where practicable;
  - (h) the existence of more than one dwelling on a lot in the Rural zone shall not be considered by itself to be sufficient grounds for subdivision.
- (3) modifying Clause 4.9, Part—General Development Requirements, as follows—

**4.9 Rural Zone**

4.9.1 Subdivision

Large lots may be subdivided to create lots which are—

- (a) consistent with the size of rural properties (may comprise multiple lots) used for rural land uses in the locality; and
- (b) 200 ha or greater in size; and
- (c) allow for continued rural land uses.

R. KIRBY, Shire President.  
 J. NUTTALL, Chief Executive Officer.

**PL403**

**PLANNING AND DEVELOPMENT ACT 2005**  
**APPROVED LOCAL PLANNING SCHEME AMENDMENT**  
*Shire of Northam*  
 Local Planning Scheme No. 6—Amendment No. 6

Ref: TPS/1999

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 Northam Local Planning Scheme amendment on 20 December 2017 for the purpose of—

1. Under clause 3.3.2, after the ‘P’ symbol, insert the following symbol and corresponding meaning—
  - ‘**T**’ means that the use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with any relevant development standards and requirements of this Scheme;
2. Insert new clause 3.2.12 as follows—
  - 3.2.12 Environmental Conservation Zone
    - To identify land set aside for environmental conservation purposes.
    - To provide for the preservation, maintenance, restoration or sustainable use of the natural environment.

3. In Table 1: Zoning Table, insert the new 'Environmental Conservation' zone and associated permissibility as follows—

Land Use	Environmental Conservation
Art Gallery	A
Caretaker's Dwelling	A
Civic Use	A
Community Purpose	A

All other land uses are to be designated as 'X' (prohibited).

4. In Table 1: Zoning Table, delete the use class 'Park Home Park' and reclassify the permissibility of land uses as follows—

Land Use	Commercial	Mixed Use
Caretaker's Dwelling	I	I
Residential— Ancillary Dwelling		X
Shop		D

5. In Table 1: Zoning Table, insert the following land uses and permissibility—

Land Use	Residential	Commercial	Mixed Use	Tourist	General Industry	Light And Service Industry	Rural	Rural Residential	Rural Smallholdings
Abattoir	X	X	X	X	A	X	A	X	X
Art Gallery	X	P	P	P	X	X	A	X	A
Bulky Goods Showroom	X	P	P	X	X	D	X	X	X
Commercial Vehicle Parking	A	X	X	X	P	P	D	A	A
Garden Centre	X	X	D	X	D	D	D	A	A
Holiday Accommodation	X	D	D	P	X	X	A	A	A
Industry—Primary Production	X	X	X	X	A	X	A	X	X
Liquor Store—Large	X	X	A	X	X	X	X	X	X
Liquor Store—Small	X	A	A	X	X	X	X	X	X
Small Bar	X	A	X	A	X	X	X	X	X
Trade Supplies	X	D	D	X	P	P	X	X	X
Tree Farm	X	X	X	X	X	X	D	X	X
Waste Disposal Facility	X	X	X	X	X	X	X	X	X
Waste Storage Facility	X	X	X	X	A	X	X	X	X

6. In Table 2: Site and Development Requirements Table, modify the minimum boundary setback for front, rear and sides in the 'Mixed Use' zone to '\*' (means to be determined by the local government in each particular case).
7. In Table 3: Car Parking Guidelines, delete the land uses and corresponding requirements for 'Fish Shop' and 'Public Amusement'.
8. Modify the title of clause 4.20 to 'Parking of Commercial Vehicles in Residential, Rural Residential and Rural Smallholding Zones'.
9. Replace clause 4.22.3 with the following—  
Notwithstanding any other provisions contained in the Scheme, the local government may refuse to grant development approval for the development or use of any outbuilding on any Residential, Rural Residential and Rural Smallholding zoned lot which does not contain a dwelling.
10. Under clause 4.28 'Development in the General Industry and Light and Service Industry Zones', insert the following—  
4.28.4 Development is to be sufficiently set back from property boundaries and roads to minimise amenity impacts of industrial land use on adjacent land.
11. Replace clause 4.30.4 with the following—  
The local government may grant temporary development approval for the temporary human habitation within an outbuilding on a Rural Residential or Rural Smallholding zoned lot for a period not exceeding 12 months if a building permit for a dwelling is concurrently in force.

12. Replace 4.30.5 with the following—  
In the Rural Residential and Rural Smallholding zones, a demonstrated and sustainable water supply is to be provided in accordance with State Policy.
13. Insert new clause 4.31 as follows—  
**4.31 AMENITY OF NON-RESIDENTIAL DEVELOPMENT**  
4.31.1 The amenity of non-residential development shall be determined in the context of each proposed development and site conditions, but shall generally be in accordance with the following—  
(a) the form and scale of the development is to be compatible with surrounding land uses;  
(b) buildings are to have coordinated or complementary materials, colours and styles and be reflective of the character of the locality;  
(c) visual impacts are to be minimised by the use of vegetation screening and tree retention.  
4.31.2 In exercising its direction under this clause, the local government shall have regard to the following when assessing any applications for development approval—  
(a) the external appearance of the building and any associated structures and landscaping;  
(b) the dimensions and proportions of the building or structure;  
(c) the materials used in the construction of the building taking into consideration texture, scale, shape and colour;  
(d) the effect of the building or works on nearby properties, and on the occupants of those buildings;  
(e) the effect on the landscape and environment generally; and  
(f) any other matter which in the opinion of the local government is relevant to the amenity of the locality.
14. Insert new clause 4.32 as follows—  
**4.32 REPURPOSED AND SECOND-HAND BUILDINGS**  
4.32.1 The local government may permit the erection of a repurposed or second-hand building on a lot where—  
(a) in its opinion such building is in satisfactory condition and the design and locality of the building is to the satisfaction of the local government and will not adversely affect the amenity of the locality.  
(b) the applicant for a building permit for the repurposed or second-hand building lodges a cash bond and enters into an agreement, to the satisfaction of the local government, to ensure the building achieves a standard of presentation acceptable to the local government within 12 months of the issues of the building permit; and  
(c) the proposal complies with the provisions of the local government's local planning policies.
15. Insert new clause 4.33 as follows—  
**4.33 OCCUPANCY OF CARAVAN PARKS AND PARK HOME PARKS**  
The local government may permit the permanent occupancy of not more than 15% of sites within a caravan park or park home park, where the applicant can demonstrate, to the satisfaction of the local government, that the primary tourist accommodation purpose of the park will not be compromised and that adequate services and facilities exist to service the permanent population.
16. Insert new clause 4.34 as follows—  
**4.34 TELECOMMUNICATIONS INFRASTRUCTURE**  
4.34.1 An application for development approval from the local government is required for the development of all telecommunication infrastructure (overhead cabling, telecommunications towers, radio communications, dishes etc) excluding those listed in the Telecommunications Low Impact Facilities Determination 1997 and subsequent Amendments to the Determination.  
4.34.2 Applications for the development approval for telecommunications infrastructure shall be accompanied by plans and information required for application for development approval under Part 7 of the deemed provisions and will be considered in relation to the following—  
(a) consistency with the objective and purpose of the zone or reserve;  
(b) social and economic benefits of the proposal;  
(c) the impact of the proposal on the landscape, heritage and environmental values of the locality;  
(d) coordination with other services; and  
(e) any relevant local planning policy adopted by the local government.
17. Insert new clause 4.35 as follows—  
**4.35 HOME OFFICE, HOME OCCUPATION AND HOME BUSINESS**  
4.35.1 Development approval is not required to conduct a home office as defined in the Scheme.



4.35.2 Where the local government issues a development approval to conduct a home occupation or a home business, the approval relates to a specific occupier of a particular parcel of land. It shall not be transferred or assigned to any other person, and shall not be transferred from the land in respect of which it was granted.

4.35.3 If in the opinion of the local government, a home occupation or home business is causing a nuisance or annoyance to owners or occupiers of land in the locality, the local government may rescind the approval.

4.35.4 A development approval to conduct a home occupation or home business may be issued subject to an annual permit which may be renewed by application to the local government for development approval.

18. Insert new clause 4.36 as follows—

**4.36 DEVELOPMENT IN ENVIRONMENTAL CONSERVATION ZONE**

4.36.1 As required, adjustments to Environmental Conservation zone boundaries may be considered as 'basic' scheme amendments, subject to environmental surveys and supported by the agency responsible for biodiversity and conservation.

4.36.2 Subdivision of Environmental Conservation zones will generally not be supported, unless supported by environmental surveys and advice from the agency responsible for biodiversity and conservation.

4.36.3 Development within the Environmental Conservation zone is to be in accordance with the zone objectives and is not to disturb vegetation.

4.36.4 Where development is proposed that would affect Environmental Conservation zoned land, the proponent is to prepare an Environmental Management Plan at the time of structure planning, subdivision or development (as relevant), in consultation with the State government department responsible for biodiversity conservation. The plan is to be approved by the local government with arrangements made for the implementation of the approved plan. The Environmental Management Plan is to address the following—

- (i) protection and management of the environmental values of the zoned land;
- (ii) property boundaries, the location of the building envelope(s) and access arrangements, taking into account environmental and visual landscape impacts;
- (iii) fencing, fire management, weed control, rehabilitation and control of domestic pets; and
- (iv) any other matters relevant to the site, as recommended by the State or local government.

19. Insert new clause 4.37 as follows—

**4.37 STATE PLANNING POLICY 3.6 TO BE READ AS PART OF SCHEME**

(a) State Planning Policy 3.6—Development Contributions for Infrastructure, modified as set out in this scheme, is to be read as part of this Scheme.

(b) The local government—

- (i) must make a copy of State Planning Policy 3.6 available for public inspection during business hours at the offices of the local government; and
- (ii) may publish a copy of State Planning Policy 3.6 on the website of the local government.

20. Delete SCA 5 and supporting text and replace with text that reads—

Special Control Areas for Development Contributions may be introduced to the scheme pending preparation of Development Contribution Plans in accordance with clause 4.36 of the Scheme.

21. Under Schedule 1—Dictionary of defined words and expressions, subclause 1 'General definitions', insert the following—

**“short-term accommodation”** means temporary accommodation provided either continuously or from time to time with no guest accommodated for periods totalling more than 3 months in any 12 month period.

22. Under Schedule 1—Dictionary of defined words and expressions, subclause 2 'land use definitions', replace the term 'ancillary accommodation' with 'ancillary dwelling', and modify the definition of shop as follows—

**“shop”** means premises other than a bulky goods showroom, a liquor store—large or a liquor store—small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services.

23. Under Schedule 1—Dictionary of defined words and expressions, subclause 2 'land use definitions', insert in alphabetical order the following new definitions—

**“abattoir”** means premises used commercially for the slaughtering of animals for the purposes of consumption as food products;

**“art gallery”** means premises—

- (a) that are open to the public; and
- (b) where artworks are displayed for viewing or sale;

**“bulky goods showroom”** means premises—

- (a) used to sell by retail any of the goods and accessories of the following types that are principally used for domestic purposes—
  - (i) automotive parts and accessories;
  - (ii) camping, outdoor and recreation goods;
  - (iii) electric light fittings;
  - (iv) animal supplies including equestrian and pet goods;
  - (v) floor and window coverings;
  - (vi) furniture, bedding, furnishings, fabrics, Manchester and homewares;
  - (vii) household appliances, electrical goods and home entertainment goods;
  - (viii) party supplies;
  - (ix) office equipment and supplies;
  - (x) babies’ and children’s goods, including play equipment and accessories;
  - (xi) sporting, cycling, leisure, fitness goods and accessories;
  - (xii) swimming pools;
- or
- (b) used to sell by retail goods and accessories by retail if—
  - (i) a large area is required for the handling, display or storage of the goods; or
  - (ii) vehicular access is required to the premises for the purpose of collection of purchased goods;

**“commercial vehicle parking”** means premises used for parking of one or 2 commercial vehicles but does not include—

- (a) any part of a public road used for parking or for a taxi rank;
- or
- (b) parking of commercial vehicles incidental to the predominant use of the land;

**“garden centre”** means premises used for the propagation, rearing and sale of plants, and the storage and sale of products associated with horticulture and gardens;

**“holiday accommodation”** means 2 or more dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot;

**“industry—primary production”** means premises used—

- (a) to carry out a primary production business as that term is defined in the *Income Tax Assessment Act 1997* (Commonwealth) section 995-1; or
- (b) for a workshop servicing plant or equipment used in primary production businesses;

**“liquor store—large”** means premises the subject of a liquor store licence granted under the *Liquor Control Act 1988* with a net lettable area of more than 300 m<sup>2</sup>;

**“liquor store—small”** means premises the subject of a liquor store licence granted under the *Liquor Control Act 1988* with a net lettable area of not more than 300 m<sup>2</sup>;

**“small bar”** means premises the subject of a small bar licence granted under the *Liquor Control Act 1988*;

**“trade supplies”** means premises used to sell by wholesale or retail, or to hire, assemble or manufacture any materials, tools, equipment, machinery or other goods used for the following purposes including goods which may be assembled or manufactured off the premises—

- (a) automotive repairs and servicing;
- (b) building including repair and maintenance;
- (c) industry;
- (d) landscape gardening;
- (e) provision of medical services;
- (f) primary production;
- (g) use by government departments or agencies, including local government;

**“tree farm”** means land used commercially for tree production where trees are planted in blocks of more than one hectare, including land in respect of which a carbon right is registered under the *Carbon Rights Act 2003* section 5;

**“waste disposal facility”** means premises used—

- (a) for the disposal of waste by landfill; or
- (b) the incineration of hazardous, clinical or biomedical waste;

**“waste storage facility”** means premises used to collect, consolidate, temporarily store or sort waste before transfer to a waste disposal facility or a resource recovery facility on a commercial scale;

24. In Schedule 7 'Rural Residential Zones', modify the permissibility of uses (where currently not permitted—'X') to permit 'Ancillary Dwelling' as 'D' (discretionary) and 'Family Day Care' as 'A' (discretionary subject to advertising) in RR2, RR3, RR4, RR6, RR8, RR11, RR12, RR13, RR15, RR24, R26 and RR27.
25. In Schedule 7 'Rural Residential Zones', modify the permissibility of uses (where currently not permitted—'X') to permit 'Family Day Care' as 'A' (discretionary, subject to advertising) in RR25.
26. Under Schedule 7 (Rural Residential Zones), remove "RR28" and its associated conditions and insert under Schedule 8—Rural Smallholding Zones as follows—

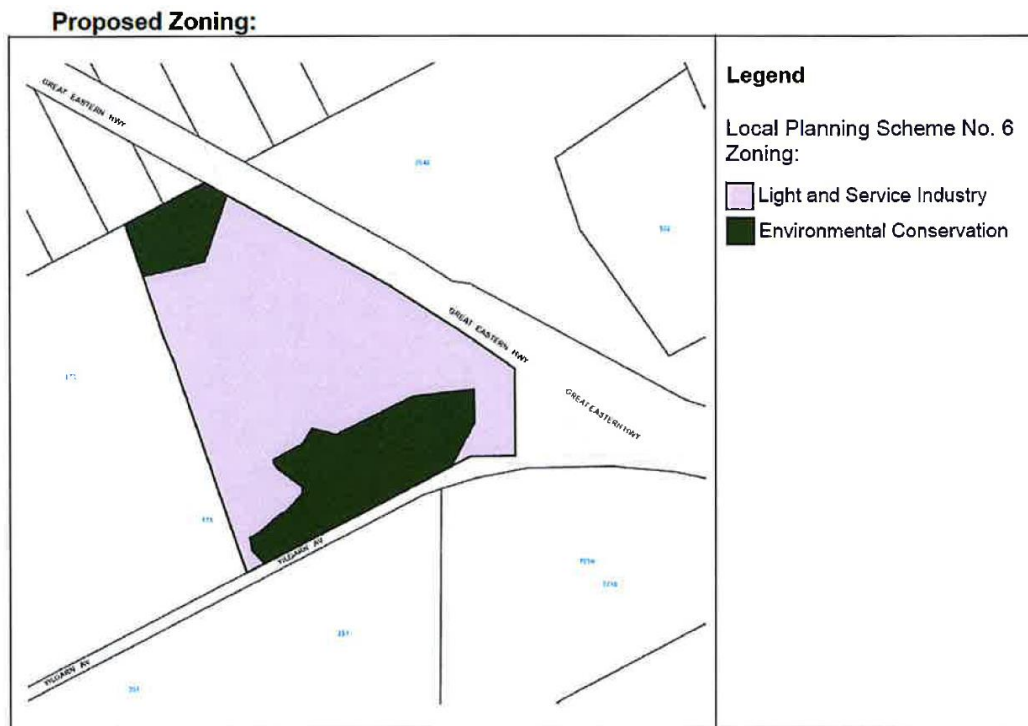
**SCHEDULE 8—RURAL SMALLHOLDING ZONES**

No.	Description of Land	Conditions
RSH4.	Loc 10583 (309) Refractory Road, Bakers Hill	<p>1. Stormwater drainage shall be controlled through appropriate drainage systems to avoid erosion and discharge while maintaining natural flow of discharge at pre- development levels and shall be to the satisfaction and specifications of the local government. The storm automation system should be designed in accordance with the guidelines contained within the 'Stormwater Management Manual of WA' (Department of Water 2004).</p> <p>2. The permissibility of uses shall be—</p> <ul style="list-style-type: none"> <li>(a) Dwelling (Single) (P)</li> <li>(b) Home Occupation (P)</li> <li>(c) Agriculture Extensive (P)</li> <li>(d) Animal establishment (A)</li> <li>(e) Caretakers Dwelling (D)</li> <li>(f) Home Office (P)</li> <li>(g) Rural Pursuit (P)—Must comply with Environmental Management Plan.</li> <li>(h) All other uses that comply with the Local Planning Scheme in force at the time of any application with the exception of the following uses— <ul style="list-style-type: none"> <li>o Dog Kennels</li> <li>o Animal Husbandry—Intensive.</li> </ul> </li> </ul> <p>3. Landscape buffers are to be provided and maintained along Chitty Road to preserve the rural amenity to the satisfaction of the local government.</p> <p>4. Lot sizes should be a minimum of 4 hectares.</p>

27. In Schedule 8 'Rural Smallholding Zones', modify the permissibility of uses (where currently not permitted—'X') to permit 'Ancillary Dwelling' as a 'D' (discretionary) and 'Family Day Care' as 'A' (discretionary subject to advertising) in RSH1.
28. In Schedule A—Supplemental Provisions to the Deemed Provisions, insert the following under clause 61(1)—
- (n) the erection or extension of an outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house if a single house is a permitted ("P") in the zone (where the R Codes do not apply) where the development standards set out in the scheme for the particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is—
    - (i) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
    - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
    - (iii) included on a heritage list prepared in accordance with this Scheme; or
    - (iv) within an area designated under the Scheme as a heritage area; or
    - (v) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29.
29. Amend the Scheme Map in respect of 309 Refractory Road, Bakers Hill (consisting of Lots 101, 103, 106, 204, 205, 206 and 207) to reflect the zoning of the land as 'Rural Smallholding'.

30. Amend the Scheme Map by rezoning portions of Lot 881 Yilgarn Avenue, Malabaine as 'Environmental Conservation' and the remaining portion as 'Light and Service Industry' as depicted in Figure 1 below.

**Shire of Northam Amendment No. 6**  
**Figure 1—Modification 30: Amendment Map**



B. POLLARD, President.  
R. RAYSON, A/Chief Executive Officer.

PL404

**PLANNING AND DEVELOPMENT ACT 2005**  
**APPROVED LOCAL PLANNING SCHEME AMENDMENT**  
*Shire of Northam*  
Local Planning Scheme No. 6—Amendment No. 10

Ref: TPS/2127

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 Northam Local Planning Scheme amendment on 20 December 2017 for the purpose of—

1. Rezoning Lot 860 Yilgarn Avenue, Malabaine from 'Rural' zone to 'Special Use' zone and denote it as SU13.
2. Including 'SU13' and site specific conditions for Lot 860 Yilgarn Avenue into "Schedule 4—Special Use Zones" of the Scheme Text, as follows:

No.	Description of Land	Special Use	Conditions
SU13	Lot 860 Yilgarn Avenue, Malabaine	<ul style="list-style-type: none"> <li>• Roadhouse</li> <li>• Market</li> </ul>	<ol style="list-style-type: none"> <li>1. All development and use shall be subject to an Application for Development Approval.</li> <li>2. All development and use shall be in accordance with any plans, conditions and management requirements approved by the local government.</li> <li>3. No alterations or extensions to the land use shall be undertaken without the approval of the local government.</li> </ol>

No.	Description of Land	Special Use	Conditions
			<p>4. The following services and facilities are not permitted within SU13—</p> <ul style="list-style-type: none"> <li>• Drive-through service of food and beverages.</li> <li>• Short term accommodation.</li> <li>• Wrecking, panel beating and spray painting.</li> </ul> <p>5. Any application for development approval shall be supported by—</p> <ul style="list-style-type: none"> <li>• A Stormwater Management Plan, prepared in accordance with the Stormwater Management Manual of Western Australia.</li> <li>• A Bushfire Management Plan, including emergency evacuation and risk management, prepared in consultation with the local government and the Department of Fire and Emergency Services.</li> <li>• A Transport Impact Assessment, undertaken in consultation with the local government and Main Roads WA.</li> </ul> <p>6. On-site treatment and disposal of wastewater and trade waste is required to be determined at development application stage and to the satisfaction of the Health Department.</p> <p>7. Development is to be connected to a reticulated water supply.</p> <p>8. Landscaping is to be provided in accordance with clause 4.12 of the scheme, including native vegetation to screen development from adjoining public roads.</p> <p>9. Car parking is to be provided in accordance with clause 4.13 and Table 3 of the scheme.</p> <p>10. Any direct vehicle access between Lot 860 and adjoining public rest area (Lot 29420) is to be approved by the local government in consultation with Main Roads WA.</p>

3. Delete the definition for 'roadhouse' in 'Schedule 1—Dictionary of Defined Words and Expressions, subsection 2 Land Use Definitions' and replace it with the following—

"roadhouse" means premises that has direct access to a State road other than a freeway and which provides the services or facilities provided by a freeway service centre and may provide any of the following additional facilities or services—

- (a) a full range of automotive repair services;
- (b) wrecking, panel beating and spray painting services;
- (c) transport depot facilities;
- (d) short-term accommodation for guests (including motel and caravan sites, generally in remote locations);
- (e) facilities for being a muster point in response to accidents, natural disasters and other emergencies.

4. Amend the Scheme Map, accordingly.

C. ANTONIO, President.  
J. WHITEAKER, Chief Executive Officer.

## RACING, GAMING AND LIQUOR

RA401

### LIQUOR CONTROL ACT 1988 LIQUOR APPLICATIONS

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

Any person wishing to obtain more details about any application, or about the objection process, should contact Racing, Gaming and Liquor, Level 2, Gordon Stephenson House, 140 William Street, Perth, Telephone: (08) 6551 4888, or consult a solicitor or relevant industry organisation.

App. No.	Applicant	Nature of Application	Last Date for Objections
<b>APPLICATIONS FOR THE GRANT OF A LICENCE</b>			
A000251329	Liquorland (Australia) Pty Ltd	Application for the conditional grant of a Liquor Store licence in respect of premises situated in Perth and known as Liquorland Raine Square.	17/01/2018
A000252050	Compass Group Remote Hospitality Services Pty Ltd	Application for the conditional grant of a Special Facility Canteen licence in respect of premises situated in Perth and known as Chemical Grade Plant 2 Camp.	4/01/2018
A000252135	Multiple Enterprises Pty Ltd	Application for the conditional grant of a Liquor Store licence in respect of premises situated in Innaloo and known as Innaloo Speciality Liquor.	24/01/2018
A000252405	Australia Run Pty Ltd	Application for the conditional grant of a Liquor Store licence in respect of premises situated in Bibra Lake and known as Stock Road Central Liquor Store.	18/01/2018
A000252898	Little Phete Pty Ltd	Application for the conditional grant of a Tavern licence in respect of premises situated in Exmouth and known as Froth Craft.	18/01/2018
<b>APPLICATIONS FOR APPROVAL TO ALTER/REDEFINE THE LICENSED PREMISES</b>			
A000231425	Kathleen Marjorie Fletcher	Application for the Alteration/Redefinition of the licensed area for a Hotel Licence in respect of premises situated in Harvey and known as Harvey Hotel.	18/01/2018

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

DIRECTOR OF LIQUOR LICENSING.

Dated: 22 December 2017.

## TRANSPORT

TN401

### ROAD TRAFFIC ACT 1974 ROAD TRAFFIC CODE 2000

#### ROAD TRAFFIC CODE (ELECTRIC PERSONAL TRANSPORTER) NOTICE (No. 2) 2017

Made by the Hon Michelle Roberts MLA, Minister for Road Safety, pursuant to Regulation 230B(1) of the *Road Traffic Code 2000* ('Traffic Code').

#### 1. Citation

This Notice is the *Road Traffic Code (Electric Personal Transporter) Notice (No. 2) 2017*.

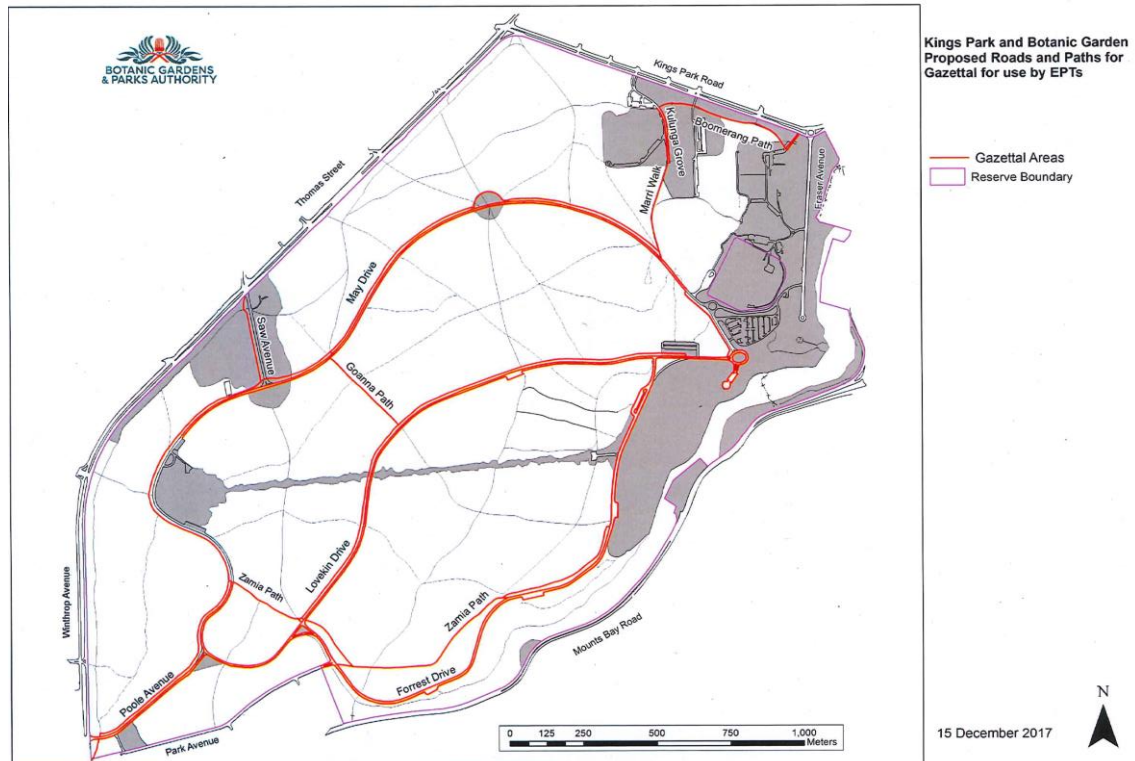
#### 2. Commencement

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

### 3. Electric Personal Transporter Use Area

Pursuant to Regulation 230B(1)(b) of the Traffic Code, the roads and paths marked in red (as depicted in the Schedule as 'Gazettal Areas') is declared an Electric Personal Transporter Use Area.

MICHELLE ROBERTS, MLA, Minister for Road Safety.



## DECEASED ESTATES

ZX401

### TRUSTEES ACT 1962

#### DECEASED ESTATES

##### Notice to Creditors and Claimants

Josefa Lachowski, late of Joseph Banks Aged Care Facility, 58 Canna Drive, Canning Vale, Western Australia, home duties.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates) in respect of the estate of the deceased who died on 14 September 2016 are required by Birman and Ride of Level 3, 16 Irwin Street, Perth WA 6000 to send particulars of their claim to them by the date one month from the publication date after which date the Trustee may convey or distribute the assets having regard only to the claims of which he then has notice.

ZX402

### TRUSTEES ACT 1962

#### DECEASED ESTATES

##### Notice to Creditors and Claimants

Mary Cicerello, late of Aegis Hilton Park, 19 Laidlaw Street, Hilton, Western Australia.

Creditors and other persons having claims (to which section 63 of the *Trustees Act 1962*, relates) in respect of the estate of the deceased, who died 8 May 2016, are required by the trustee Nina Maria Handcock of 2 Crowley Vista, Salter Point, Western Australia to send particulars of their claims to solicitor David McDonald, David McDonald Legal, 154 High Street, Fremantle, Western Australia 6160 within 31 days of date of this notice. After such date the trustee may convey or distribute the assets, having regard only to the claims of which they then have notice.

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

## Notice to Creditors and Claimants

In the matter of the Estate of Phyllis Garrigan (also known as Helen Goodall), late of Aegis Transition Aged Care Home, 29 Neville Street, Bayswater in the State of Western Australia, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates) in respect of the Estate of the deceased who died on 30 May 2016, are required by the Executor of the Will of Phyllis Garrigan (also known as Helen Goodall) deceased to send particulars of their claims addressed to the Executor of the Will of Phyllis Garrigan (also known as Helen Goodall), care of Colin Garber & Associates, PO Box 257, Victoria Park WA 6979 within one 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 they have then had notice.

**ZX404****PUBLIC TRUSTEE ACT 1941****ADMINISTERING OF ESTATES**

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

Dated at Perth 21 December 2017.

BRIAN ROCHE, Public Trustee,  
553 Hay Street, Perth WA 6000.  
Telephone 1300 746 212.

Name of Deceased	Address	Date of Death	Date Election Filed
GORGS, Heinz Paul DE33061876 EM17	Formerly of 8/9 Egeus Way, Coolbellup, late of Freshwater Bay Nursing Home, 67 Palmerston Street, Mosman Park	7 January 2017	11 October 2017