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— PART 1 —

PROCLAMATIONS

AA101*

Main Roads Act 1930

Main Roads (Highways and Main Roads) Proclamation 2015

Made under the *Main Roads Act 1930* section 13 by the Administrator in Executive Council on the recommendation of the Commissioner of Main Roads.

1. Citation

This proclamation is the *Main Roads (Highways and Main Roads) Proclamation 2015*.

2. Commencement

This proclamation comes into operation as follows —

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

3. Roads or sections of roads to be highways or main roads

It is declared that:

- (1) The roads or sections of roads shown on the drawings listed in Schedule 1, excluding any footpaths, are highways; and
- (2) The roads or sections of roads shown on the drawings listed in Schedule 2, excluding any footpaths, are main roads.

4. Roads or sections of roads to cease to be highways or main roads

It is further declared that:

- (1) The roads or sections of roads shown on the drawings listed in Schedule 3 cease to be highways; and
- (2) The roads or sections of roads shown on the drawings listed in Schedule 4 cease to be main roads.

5. Roads or sections of roads to cease to be secondary roads

It is further declared that:

The roads or sections of roads shown on the drawings listed in Schedule 5 cease to be secondary roads.

Schedule 1 — Roads or sections of roads to be highways (to be a highway)

[cl. 3(1)]

MRWA Road No.	MRWA Road Name	Local Governments	As delineated on MRWA drawing number(s)
H006	Great Northern Highway	Port Hedland and Victoria Plains	1321-0180-02, 1321-0181-01, 1421-0036-00, 1421-0038-00.
H007	North West Coastal Highway	Ashburton	1321-0019-00, 1321-0023-00.
H043	Bussell Highway	Busselton	1021-0155-01, 1321-0141-00.
H052	Brookton Highway	Corrigin and Kondinin	1321-0134-00, 1321-0138-00, 1421-0031-00, 1421-0035-00.
H058	Bunbury Outer Ring Road	Bunbury, Capel and Dardanup	1021-0163-03, 1121-0231-01, 1321-0310-00, 1321-0311-00, 1321-0312-00, 1421-0002-00, 1421-0005-00.
H059	Willinge Drive	Bunbury, Capel and Dardanup	1021-0163-03, 1121-0231-01, 1321-0309-00, 1321-0310-00, 1321-0312-00, 1421-0005-00.
H618	Kwinana Freeway off ramp	Melville	1421-0040-00, 1421-0041-00.
H879	Forrest Highway off ramp to Grand Entrance	Harvey	1121-0230-01, 1321-0030-00.
H880	Forrest Highway on ramp to Grand Entrance	Harvey	1121-0230-01, 1321-0030-00.

Schedule 2 — Roads or sections of roads to be main roads (to be a main road)

[cl. 3(2)]

MRWA Road No.	MRWA Road Name	Local Governments	As delineated on MRWA drawing number(s)
M029	Nanutarra-Munjina Road	Ashburton	1321-0019-01, 1321-0019-02, 1421-0039-00, 1421-0052-00.
M043	Caves Road	Busselton	1021-0155-00, 1021-0162-00.
M045	Indian Ocean Drive	Gingin	0921-197-01, 0921-199-01.

**Schedule 3 — Roads or sections of roads ceasing to be highways
(to cease to be a highway)**

[cl. 4(1)]

MRWA Road No.	MRWA Road Name	Local Governments	As delineated on MRWA drawing number(s)
H006	Great Northern Highway	Port Hedland and Victoria Plains	1321-0180-02, 1321-0181-01, 1421-0036-00, 1421-0038-00.
H007	North West Coastal Highway	Ashburton	1321-0019-00, 1321-0023-00.
H043	Bussell Highway	Busselton	1021-0155-01, 1321-0141-00.
H052	Brookton Highway	Corrigin and Kondinin	1321-0134-00, 1321-0138-00, 1421-0031-00, 1421-0035-00.
H618	Kwinana Freeway off ramp	Melville	1421-0040-00, 1421-0041-00.

**Schedule 4 — Roads or sections of roads ceasing to be main roads
(to cease to be a main road)**

[cl. 4(2)]

MRWA Road No.	MRWA Road Name	Local Governments	As delineated on MRWA drawing number(s)
M029	Nanutarra-Munjina Road	Ashburton	1321-0019-01, 1321-0019-02, 1421-0039-00, 1421-0052-00.
M043	Caves Road	Busselton	1021-0155-00, 1021-0162-00.

**Schedule 5 — Roads or sections of roads ceasing to be secondary roads
(to cease to be a secondary road)**

[cl. 5]

MRWA Road No.	MRWA Road Name	Local Governments	As delineated on MRWA drawing number(s)
S042	Dumbleyung-Nyabing Road	Kent and Dumbleyung	9422-011-01, 9522-084, 9522-085.

K. SANDERSON, Governor.

L.S.

D. NALDER, Minister for Transport.

AA102*

Custodial Legislation (Officers Discipline) Amendment Act 2014

Custodial Legislation (Officers Discipline) Amendment Act 2014 Commencement Proclamation 2015

Made under the *Custodial Legislation (Officers Discipline) Amendment Act 2014* section 2(b) by the Governor in Executive Council.

1. Citation

This proclamation is the *Custodial Legislation (Officers Discipline) Amendment Act 2014 Commencement Proclamation 2015*.

2. Commencement (other than sections 1 and 2)

The *Custodial Legislation (Officers Discipline) Amendment Act 2014*, other than sections 1 and 2, comes into operation on 24 August 2015.

K. SANDERSON, Governor.

L.S.

L. HARVEY, Acting Minister for Corrective Services.

Note: Under the *Industrial Relations Commission Amendment Regulations (No. 3) 2015* regulation 2(b), the provisions of those regulations, other than regulations 1 and 2, come into operation on the day on which the *Custodial Legislation (Officers Discipline) Amendment Act 2014* Parts 2 and 3 come into operation.

Under the *Prisons Amendment Regulations 2015* regulation 2(b), the provisions of those regulations, other than regulations 1 and 2, come into operation on the day on which the *Custodial Legislation (Officers Discipline) Amendment Act 2014* section 7 comes into operation.

Under the *Young Offenders Amendment Regulations 2015* regulation 2(b), the provisions of those regulations, other than regulations 1 and 2, come into operation on the day on which the *Custodial Legislation (Officers Discipline) Amendment Act 2014* section 16 comes into operation.

CONSUMER PROTECTION

CP301*

Residential Tenancies Act 1987

**Residential Tenancies Amendment
Regulations 2015**

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Residential Tenancies Amendment Regulations 2015*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette* (***gazettal day***);
- (b) regulations 3, 4 and 5 — on the day after gazettal day;
- (c) regulation 6 — on the 7th day after gazettal day;
- (d) regulations 7 and 9 — on the 30th day after gazettal day;
- (e) regulation 8 — on the 60th day after gazettal day.

3. Regulations amended

These regulations amend the *Residential Tenancies Regulations 1989*.

4. Regulation 5AB amended

In regulation 5AB:

- (a) in paragraph (b)(iii) delete “sub-let.” and insert:

sub-let;

- (b) after paragraph (b) insert:

- (c) a residential tenancy agreement if —

- (i) the agreement is renewed or extended;
and
 - (ii) there has been no change to the parties to the agreement; and
 - (iii) any material changes to the agreement are agreed in writing between the parties to the agreement.

5. Regulation 5BA inserted

After regulation 5A insert:

5BA. Exemptions from section 29(8) of the Act

Under section 6(a) of the Act it is provided that section 29(8) of the Act does not apply in relation to a residential tenancy agreement if the application form referred to in Schedule 1 clause 5(1)(a) is signed by the tenant in the following circumstances —

- (a) either —
 - (i) there has been a decrease in the rent payable under the agreement; or
 - (ii) a bond has been collected from the tenant in relation to a pet that the tenant was permitted to keep on the premises and the pet is no longer being kept on the premises;
- (b) the sole purpose for the tenant signing the form is to effect payment to the tenant of only part of the security bond paid in relation to the agreement;
- (c) at the time the application form is signed by the tenant the form includes details of the amount to be paid to the tenant.

6. Regulation 7D replaced

Delete regulation 7D and insert:

7D. Modified application of section 70A of the Act for Foyer Oxford

- (1) In this regulation —
Foyer Oxford means the premises of that name located at 196 Oxford Street, Leederville, Western Australia.
- (2) This regulation applies to a residential tenancy agreement that —
 - (a) creates a tenancy in respect of a residential unit in Foyer Oxford for a fixed term of 6 weeks or less; and
 - (b) is not the renewal or extension of an agreement; and
 - (c) is entered into between a tenant and Foundation Housing Limited.

- (3) Under section 6(a) of the Act it is provided that section 70A of the Act shall apply to a residential tenancy agreement as if section 70A(3) were modified by deleting “30 days” and inserting:

7 days

7. Schedule 4 Form 1AA amended

- (1) In Schedule 4 Form 1AA Part A before “**TERM OF AGREEMENT**” insert:

Giving of notices and information by electronic means

Indicate below for each of the following persons whether the person agrees to notices and information being given by email or facsimile under the *Electronic Transactions Act 2011*.

Lessor

Email: Yes ☐/No ☐

Facsimile: Yes ☐/No ☐

[insert email address or facsimile number if different from contact details above]

Tenant(s)

Email: Yes ☐/No ☐

Facsimile: Yes ☐/No ☐

[insert email address or facsimile number if different from contact details above]

Lessor’s property manager

Email: Yes ☐/No ☐

Facsimile: Yes ☐/No ☐

[insert email address or facsimile number if different from contact details above]

- (2) In Schedule 4 Form 1AA Part B:

- (a) delete clause 46 and insert:

46. The lessor agrees that if the lessor or the property manager applies to the Bond Administrator for all or part of the security bond to be released to the lessor, the lessor or property manager will provide the tenant with evidence to support the amount that the lessor is claiming.

- (b) in clause 49 delete “terminated” insert:

terminated, the rent to be paid under the tenancy agreement is decreased or a pet is no longer kept at the premises,

(c) after clause 50 insert:

NOTICES

51A. A notice under this agreement must be given:

51A.1 in the prescribed form; or

51A.2 if there is no prescribed form but there is an approved form — in the approved form; or

51A.3 if there is no prescribed form or approved form — in writing.

51B. A notice from the tenant to the lessor may be given to the property manager or the lessor's agent.

51C. A notice under this agreement may be given to a person:

51C.1 by giving it to the person directly; or

51C.2 if an address for service for the person is given in the agreement — by posting it to, or leaving it at, the address for service; or

51C.3 if the person has agreed under Part A to the electronic service of notices — by sending the notice to the email address or facsimile number given in Part A.

51D. A person may withdraw his or her consent to a notice being given to the person by email or facsimile by giving a notice to that effect to each other party to the agreement.

8. Schedule 4 Form 1AB amended

(1) In Schedule 4 Form 1AB Part A before “**TERM OF AGREEMENT**” insert:

Giving of notices and information by electronic means

Indicate below for each of the following persons whether the person agrees to notices and information being given by email or facsimile under the *Electronic Transactions Act 2011*.

Lessor

Email: Yes ☐/No ☐

Facsimile: Yes ☐/No ☐

[insert email address or facsimile number if different from contact details above]

Tenant(s)

Email: Yes ☐/No ☐

Facsimile: Yes ☐/No ☐

[insert email address or facsimile number if different from contact details above]

(2) In Schedule 4 Form 1AB Part B:

(a) delete clause 51 and insert:

51. The lessor agrees that if the lessor or the property manager applies to the Bond Administrator for all or part of the security bond to be released to the lessor, the lessor or property manager will provide the tenant with evidence to support the amount that the lessor is claiming.

(b) in clause 54 delete “terminated” insert:

terminated, the rent to be paid under the tenancy agreement is decreased or a pet is no longer kept at the premises,

(c) after clause 54 insert:

NOTICES

55A. A notice under this agreement must be given:

55A.1 in the prescribed form; or

55A.2 if there is no prescribed form but there is an approved form — in the approved form; or

55A.3 if there is no prescribed form or approved form — in writing.

55B. A notice under this agreement may be given to a person:

55B.1 by giving it to the person directly; or

55B.2 if an address for service for the person is given in the agreement — by posting it to, or leaving it at, the address for service; or

55B.3 if the person has agreed under Part A to the electronic service of notices — by sending the notice to the email address or facsimile number given in Part A.

55C. A person may withdraw his or her consent to a notice being given to the person by email or facsimile by giving a notice to that effect to each other party to the agreement.

9. Schedule 4 Form 1AD amended

In Schedule 4 Form 1AD under the heading “**STANDARD TERMS APPLICABLE TO ALL RESIDENTIAL TENANCY AGREEMENTS**”:

(a) delete clause 45 and insert:

45. The lessor agrees that if the lessor or the property manager applies to the Bond Administrator for all or part of the security bond to be released to the lessor, the lessor or property manager

will provide the tenant with evidence to support the amount that the lessor is claiming.

(b) in clause 48 delete “terminated” insert:

terminated, the rent to be paid under the tenancy agreement is decreased or a pet is no longer kept at the premises,

(c) after clause 49 insert:

NOTICES

50A. A notice under this agreement must be given:

50A.1 in the prescribed form; or

50A.2 if there is no prescribed form but there is an approved form — in the approved form; or

50A.3 if there is no prescribed form or approved form — in writing.

50B. A notice from the tenant to the lessor may be given to the property manager or the lessor’s agent.

50C. A notice under this agreement may be given to a person:

50C.1 by giving it to the person directly; or

50C.2 if an address for service for the person is provided by the person — by posting it to, or leaving it at, the address for service; or

50C.3 if the person has agreed in writing to the service of notices by email or facsimile — by sending the notice to the email address or facsimile number provided by the person.

50D. A person may withdraw his or her consent to a notice being given to the person by email or facsimile by giving a notice to that effect to each other party to the agreement.

N. HAGLEY, Clerk of the Executive Council.

CORRECTIVE SERVICES

CS301*

Prisons Act 1981

Prisons Amendment Regulations 2015

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Prisons Amendment Regulations 2015*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Custodial Legislation (Officers Discipline) Amendment Act 2014* section 7 comes into operation.

3. Regulations amended

These regulations amend the *Prisons Regulations 1982*.

4. Part IV replaced

Delete Part IV and insert:

Part IV — Removal of prison officers**30. Terms used**

In this Part, unless the contrary intention appears —

inspection list means a written list of relevant material gathered by a review officer for the purpose of an investigation under regulation 32B;

notice means a notice given under section 102(1) of the Act;

prison officer has the same meaning as in Part X Division 3 of the Act;

privilege means —

- (a) a privilege that would attach to a document prepared for the purpose of pending or contemplated legal proceedings or in connection with the obtaining or giving of legal advice; or

- (b) immunity from production of a document or any material where the production would be against the public interest; or
- (c) immunity from production of a document or any material under a written law;

relevant material means any material relevant to any issue identified in a summary of investigation concerning the prison officer referred to in regulation 32A(1);

removal action has the meaning given in section 101 of the Act;

review officer means a person appointed under regulation 32A;

submission period has the meaning given in section 102(2) of the Act;

suitability to continue as a prison officer has the meaning given in section 99 of the Act;

summary of investigation means a written report that includes reference to relevant material gathered by the review officer for the purpose of an investigation under regulation 32B.

31. Application of this Part

This Part applies if, under Part X Division 3 of the Act, the chief executive officer —

- (a) is contemplating taking removal action; or
- (b) has decided to take removal action; or
- (c) has taken removal action.

32A. Appointment of review officer

- (1) If the chief executive officer is contemplating taking removal action in relation to a prison officer, the chief executive officer may appoint a review officer in relation to that prison officer.
- (2) A person must not be appointed as a review officer in relation to a prison officer if that person has been directly involved in —
 - (a) a previous investigation that resulted in information being supplied to the chief executive officer regarding that prison officer's suitability to continue as a prison officer; or
 - (b) a previous investigation of a suspected breach of discipline by that prison officer that resulted in —
 - (i) a decision under the *Public Sector Management Act 1994* section 81(1)(a); and

- (ii) disciplinary action as defined in section 80A of that Act;
- or
- (c) a previous investigation that resulted in a charge being laid against that prison officer under section 99 of the Act as in force immediately before the commencement of the *Custodial Legislation (Officers Discipline) Amendment Act 2014* section 7; or
- (d) any decision-making relating to an investigation referred to in paragraph (a), (b) or (c).

32B. Role of review officer

- (1) The review officer must conduct an investigation into the prison officer referred to in regulation 32A(1) and prepare —
 - (a) a summary of investigation; and
 - (b) an inspection list.
- (2) The review officer must identify in the inspection list any document in respect of which privilege is claimed and state in that inspection list each ground on which the privilege is claimed.
- (3) The review officer is subject to the direction of the chief executive officer in conducting the investigation and preparing the summary of investigation and inspection list.

32C. Provision of material to chief executive officer

- (1) When the review officer completes the investigation, the review officer must provide the chief executive officer with —
 - (a) the summary of investigation; and
 - (b) the inspection list; and
 - (c) any material referred to in the inspection list that the review officer considers appropriate.
- (2) Before the chief executive officer decides whether or not to give a notice, the chief executive officer may cause further material, including written reports, to be provided to the chief executive officer.
- (3) The chief executive officer may direct the review officer to —
 - (a) conduct a further investigation in accordance with regulation 32B and subregulation (1); and

- (b) prepare and submit to the chief executive officer —
 - (i) a supplementary summary of investigation; and
 - (ii) a supplementary inspection list.
- (4) The chief executive officer's direction may include a direction as to the matters to be investigated and included in the supplementary summary of investigation.

32D. Notice of loss of confidence

- (1) In addition to the grounds to be set out under section 102(1) of the Act, a notice must —
 - (a) set out the particular conduct or behaviour on which the chief executive officer's loss of confidence is based; and
 - (b) advise the prison officer that during the submission period the prison officer may make written submissions to the chief executive officer in respect of the grounds on which the chief executive officer has lost confidence in the prison officer's suitability to continue as a prison officer.
- (2) When the chief executive officer gives the notice to a prison officer, the chief executive officer must also provide to the prison officer a copy of the following documents relating to the decision to give the notice —
 - (a) any summary of investigation and any supplementary summary of investigation;
 - (b) any inspection list and any supplementary inspection list;
 - (c) any document examined and taken into account in deciding to give the notice.
- (3) As soon as practicable after the chief executive officer gives the notice to a prison officer, the chief executive officer must make available to the prison officer for inspection any other material examined and taken into account in deciding to give the notice.
- (4) Subregulations (2) and (3) do not apply to any document or material that is privileged.
- (5) If the chief executive officer does not provide the prison officer with a copy of a document or make available to the prison officer for inspection any other material because it is privileged, the chief executive officer must advise the prison officer of each ground on which the document or material is privileged.

32E. Access to material

- (1) During the submission period the chief executive officer must permit a prison officer who has been given a notice or the prison officer's legal representative to inspect any material referred to in the inspection list or any supplementary inspection list that is not privileged.
- (2) A prison officer who has been given a notice may make a request in writing to the chief executive officer for permission to inspect any material, other than material provided to the prison officer under these regulations, that —
 - (a) the prison officer has seen or created in the course of his or her duties as a prison officer; and
 - (b) is relevant to any issue concerning the prison officer referred to in the notice.
- (3) The request must be made as soon as practicable after, and in any event within 14 days after, the day on which the prison officer was given the notice.
- (4) During the submission period the chief executive officer must as far as practicable permit the prison officer or the prison officer's legal representative to inspect the material the subject of a request under subregulation (2).

32F. Chief executive officer's assessment of prison officer's submissions

- (1) If the chief executive officer receives submissions from a prison officer under section 102(2) of the Act, the chief executive officer may cause further material, including written reports, to be provided to the chief executive officer.
- (2) The chief executive officer must where practicable within 21 days, and in any event within 42 days, after the end of the submission period, decide whether or not a period for further investigation or analysis of any submissions of the prison officer is necessary.
- (3) If the chief executive officer decides that a further period for investigation or analysis is required, the chief executive officer must endeavour to cause that investigation or analysis to be completed within 7 weeks after receiving the prison officer's submissions.
- (4) If the further investigation or analysis cannot be completed within the period referred to in

subregulation (3), the chief executive officer must give the prison officer a notice stating —

- (a) the reason for the further investigation or analysis; and
 - (b) the time period required to complete the further investigation or analysis; and
 - (c) the reason for the need for that time period.
- (5) Despite deciding under section 102(3)(a) of the Act not to take removal action, the chief executive officer may decide that the prison officer's performance or conduct warrants other action being taken in relation to the prison officer under the Act or these regulations.

32G. Further ground for removal

- (1) If the chief executive officer concludes that he or she has lost confidence in the prison officer's suitability to continue as a prison officer on a ground other than a ground set out in the notice the chief executive officer must —
- (a) give the prison officer notice in writing of the further ground; and
 - (b) provide to the prison officer a copy of any document and make available for inspection any other material that has been examined and taken into account by the chief executive officer under this Part with the exception of —
 - (i) a copy of a document already given to the prison officer or any material already made available for inspection by the prison officer under this Part; and
 - (ii) a privileged document or material;and
 - (c) allow the prison officer a specified period to provide a response to the further ground.
- (2) For the purpose of subregulation (1)(c), the specified period is —
- (a) a period of 21 days beginning on the later of the following days —
 - (i) the day on which the prison officer is given the notice of the further ground;
 - (ii) the day on which the prison officer is provided with copies of all of the documents required to be provided under subregulation (1)(b);

- (iii) the day on which all material required to be made available has been made available to the prison officer for inspection under subregulation (1)(b);
 - or
 - (b) any longer period approved by the chief executive officer before the end of the period referred to in paragraph (a), on —
 - (i) an application made by the prison officer; or
 - (ii) the initiative of the chief executive officer.
- (3) If the chief executive officer does not provide the prison officer with a copy of a document or make available for inspection any other material that was examined and taken into account by the chief executive officer under this Part because it is privileged, the chief executive officer must advise the prison officer of each ground on which the document or material is privileged.
- (4) Subregulation (3) does not apply if the chief executive officer has already advised the prison officer under this Part of each ground on which the document or material is privileged.

32H. Notice of chief executive officer's decision on removal action and material relied on

- (1) As far as practicable, a decision notice as defined in section 102(3)(b) of the Act must be given to the prison officer within 7 days after the chief executive officer has decided to take removal action.
- (2) The chief executive officer is not required to comply with section 102(6) of the Act to the extent that —
 - (a) the chief executive officer has already provided the prison officer with a copy of the document or made available to the prison officer for inspection any other material under this Part; or
 - (b) the document or material is privileged.
- (3) If the chief executive officer does not comply with section 102(6) of the Act because the document or material is privileged the chief executive officer must advise the prison officer of each ground on which the document or material is privileged.
- (4) Subregulation (3) does not apply if the chief executive officer has already advised the prison officer under this Part of each ground on which the document or material is privileged.

32I. Service of notices or documents

- (1) If a notice or document is required to be given to a prison officer under Part X Division 3 of the Act or this Part, service may be effected on the prison officer —
 - (a) by delivering it to the prison officer personally; or
 - (b) by properly addressing and posting it (by prepaid post) as a letter to the usual or last known residential address of the prison officer or address for service given by the prison officer in writing to the chief executive officer; or
 - (c) by leaving it for the prison officer at the prison officer's usual or last known residential address; or
 - (d) by leaving it for the prison officer at an address for service given by the prison officer in writing to the chief executive officer.
- (2) Service under subregulation (1) is to be taken to be effected —
 - (a) in the case of service under subregulation (1)(a), at the time of delivery to the prison officer; or
 - (b) in the case of service under subregulation (1)(b), at the time when the letter would have been delivered in the ordinary course of post; or
 - (c) in the case of service under subregulation (1)(c), at the time it is left at the residential address; or
 - (d) in the case of service under subregulation (1)(d), at the time it is left at the address given to the chief executive officer.

32J. Application

Regulations 31 to 32H do not apply where a prison officer is discharged under regulation 5.

32K. Restriction on suspending prison officer's pay

During any period in which consideration is being given to a prison officer's suitability to continue as a prison officer, the chief executive officer cannot suspend the prison officer's pay.

K. H. ANDREWS, Clerk of the Executive Council.

CS302*

Young Offenders Act 1994

Young Offenders Amendment Regulations 2015

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Young Offenders Amendment Regulations 2015*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Custodial Legislation (Officers Discipline) Amendment Act 2014* section 16 comes into operation.

3. Regulations amended

These regulations amend the *Young Offenders Regulations 1995*.

4. Part 8 heading replaced

Delete the heading to Part 8 and insert:

Part 8 — Employees

5. Regulation 48A inserted

At the beginning of Part 8 Division 2 insert:

48A. Term used: remove

In this Division —

remove, in relation to a person appointed under section 11(1a) of the Act, means terminate the employment of the person.

6. Regulation 48 amended

In regulation 48(2) delete “Division 3.” and insert:

Divisions 3 and 4A.

7. Regulation 51 amended

- (1) In regulation 51(3) delete “terminate the employment of” and insert:

remove

- (2) Delete regulation 51(4) to (6).

Note: The heading to amended regulation 51 is to read:

**Circumstances of removal for physical or mental health reasons
(section 11(1a))**

8. Regulation 52A inserted

After regulation 51 insert:

**52A. Circumstances of removal for other reasons
(section 11(1a))**

- (1) A juvenile custodial officer or miscellaneous employee who provides false, incomplete or misleading information in or with respect to an application for engagement as a juvenile custodial officer or miscellaneous employee may be removed by the chief executive officer.
- (2) Where the chief executive officer is of the opinion during, or at the end of, the period of probation of a juvenile custodial officer or miscellaneous employee that the juvenile custodial officer or miscellaneous employee is unsatisfactory in the performance of his or her duties, or unsuitable to be a juvenile custodial officer or miscellaneous employee, the chief executive officer may remove that juvenile custodial officer or miscellaneous employee.
- (3) The chief executive officer may extend the period of probation for a juvenile custodial officer or miscellaneous employee.

9. Regulation 52 amended

- (1) In regulation 52(1) delete “whose employment is terminated” and insert:

who is removed

- (2) In regulation 52(4) delete “has his or her employment terminated for reasons other than regulation 51(4) or disciplinary reasons under Division 3,” and insert:

is removed, other than under regulation 52A(1) or section 11CC of the Act,

Note: The heading to amended regulation 52 is to read:

Notice prior to removal (section 11(1a))

10. Part 8 Division 3 replaced

Delete Part 8 Division 3 and insert:

Division 3 — Discipline of custodial officers

**53. Application of *Public Sector Management Act 1994*
Part 5**

For the purposes of section 11(1C) of the Act custodial officers are prescribed for the purposes of the *Public Sector Management Act 1994* section 76(1)(b).

Division 4A — Removal of custodial officer due to loss of confidence

54. Terms used

In this Division, unless the contrary intention appears —

inspection list means a written list of relevant material gathered by a review officer for the purpose of an investigation under regulation 57;

notice means a notice given under section 11CD(1) of the Act;

privilege means —

- (a) a privilege that would attach to a document prepared for the purpose of pending or contemplated legal proceedings or in connection with the obtaining or giving of legal advice; or
- (b) immunity from production of a document or any material where the production would be against the public interest; or
- (c) immunity from production of a document or any material under a written law;

relevant material means any material relevant to any issue identified in a summary of investigation concerning the custodial officer referred to in regulation 56(1);

removal action, in relation to a custodial officer, means the removal of the custodial officer under section 11CC of the Act;

review officer means a person appointed under regulation 56;

submission period has the meaning given in section 11CD(2) of the Act;

suitability to continue as a custodial officer has the meaning given in section 11CA of the Act;

summary of investigation means a written report that includes reference to relevant material gathered by the review officer for the purpose of an investigation under regulation 57.

55. Application of this Division

This Division applies if, under Part 3 Division 3 of the Act, the chief executive officer —

- (a) is contemplating taking removal action; or
- (b) has decided to take removal action; or
- (c) has taken removal action.

56. Appointment of review officer

- (1) If the chief executive officer is contemplating taking removal action in relation to a custodial officer, the chief executive officer may appoint a review officer in relation to that custodial officer.
- (2) A person must not be appointed as a review officer in relation to a custodial officer if that person has been directly involved in —
 - (a) a previous investigation that resulted in information being supplied to the chief executive officer regarding that custodial officer's suitability to continue as a custodial officer; or
 - (b) a previous investigation of a suspected breach of discipline by that custodial officer that resulted in —
 - (i) a decision under the *Public Sector Management Act 1994* section 81(1)(a); and
 - (ii) disciplinary action as defined in section 80A of that Act;or
- (c) a previous investigation that resulted in a charge being laid against that custodial officer under regulation 55 or 56 as those provisions were in force immediately before the

commencement of the *Young Offenders Amendment Regulations 2015* regulation 10; or

- (d) any decision-making relating to an investigation referred to in paragraph (a), (b) or (c).

57. Role of review officer

- (1) The review officer must conduct an investigation into the custodial officer referred to in regulation 56(1) and prepare —
 - (a) a summary of investigation; and
 - (b) an inspection list.
- (2) The review officer must identify in the inspection list any document in respect of which privilege is claimed and state in that inspection list each ground on which the privilege is claimed.
- (3) The review officer is subject to the direction of the chief executive officer in conducting the investigation and preparing the summary of investigation and inspection list.

58. Provision of material to chief executive officer

- (1) When the review officer completes the investigation, the review officer must provide the chief executive officer with —
 - (a) the summary of investigation; and
 - (b) the inspection list; and
 - (c) any material referred to in the inspection list that the review officer considers appropriate.
- (2) Before the chief executive officer decides whether or not to give a notice, the chief executive officer may cause further material, including written reports, to be provided to the chief executive officer.
- (3) The chief executive officer may direct the review officer to —
 - (a) conduct a further investigation in accordance with regulation 57 and subregulation (1); and
 - (b) prepare and submit to the chief executive officer —
 - (i) a supplementary summary of investigation; and
 - (ii) a supplementary inspection list.
- (4) The chief executive officer's direction may include a direction as to the matters to be investigated and included in the supplementary summary of investigation.

59. Notice of loss of confidence

- (1) In addition to the grounds to be set out under section 11CD(1) of the Act, a notice must —
 - (a) set out the particular conduct or behaviour on which the chief executive officer's loss of confidence is based; and
 - (b) advise the custodial officer that during the submission period the custodial officer may make written submissions to the chief executive officer in respect of the grounds on which the chief executive officer has lost confidence in the custodial officer's suitability to continue as a custodial officer.
- (2) When the chief executive officer gives the notice to a custodial officer, the chief executive officer must also provide to the custodial officer a copy of the following documents relating to the decision to give the notice —
 - (a) any summary of investigation and any supplementary summary of investigation;
 - (b) any inspection list and any supplementary inspection list;
 - (c) any document examined and taken into account in deciding to give the notice.
- (3) As soon as practicable after the chief executive officer gives the notice to a custodial officer, the chief executive officer must make available to the custodial officer for inspection any other material examined and taken into account in deciding to give the notice.
- (4) Subregulations (2) and (3) do not apply to any document or material that is privileged.
- (5) If the chief executive officer does not provide the custodial officer with a copy of a document or make available to the custodial officer for inspection any other material because it is privileged, the chief executive officer must advise the custodial officer of each ground on which the document or material is privileged.

60. Access to material

- (1) During the submission period the chief executive officer must permit a custodial officer who has been given a notice or the custodial officer's legal representative to inspect any material referred to in the inspection list or any supplementary inspection list that is not privileged.
- (2) A custodial officer who has been given a notice may make a request in writing to the chief executive officer

for permission to inspect any material, other than material provided to the custodial officer under these regulations, that —

- (a) the custodial officer has seen or created in the course of his or her duties as a custodial officer; and
 - (b) is relevant to any issue concerning the custodial officer referred to in the notice.
- (3) The request must be made as soon as practicable after, and in any event within 14 days after, the day on which the custodial officer was given the notice.
 - (4) During the submission period the chief executive officer must as far as practicable permit the custodial officer or the custodial officer's legal representative to inspect the material the subject of a request under subregulation (2).

61. Chief executive officer's assessment of custodial officer's submissions

- (1) If the chief executive officer receives submissions from a custodial officer under section 11CD(2) of the Act, the chief executive officer may cause further material, including written reports, to be provided to the chief executive officer.
- (2) The chief executive officer must where practicable within 21 days, and in any event within 42 days, after the end of the submission period, decide whether or not a period for further investigation or analysis of any submissions of the custodial officer is necessary.
- (3) If the chief executive officer decides that a further period for investigation or analysis is required, the chief executive officer must endeavour to cause that investigation or analysis to be completed within 7 weeks after receiving the custodial officer's submissions.
- (4) If the further investigation or analysis cannot be completed within the period referred to in subregulation (3), the chief executive officer must give the custodial officer a notice stating —
 - (a) the reason for the further investigation or analysis; and
 - (b) the time period required to complete the further investigation or analysis; and
 - (c) the reason for the need for that time period.
- (5) Despite deciding under section 11CD(3)(a) of the Act not to take removal action, the chief executive officer may decide that the custodial officer's performance or

conduct warrants other action being taken in relation to the custodial officer under the Act or these regulations.

62. Further ground for removal

- (1) If the chief executive officer concludes that he or she has lost confidence in the custodial officer's suitability to continue as a custodial officer on a ground other than a ground set out in the notice the chief executive officer must —
 - (a) give the custodial officer notice in writing of the further ground; and
 - (b) provide to the custodial officer a copy of any document and make available for inspection any other material that has been examined and taken into account by the chief executive officer under this Division with the exception of —
 - (i) a copy of a document already given to the custodial officer or any material already made available for inspection by the custodial officer under this Division; and
 - (ii) a privileged document or material; and
 - (c) allow the custodial officer a specified period to provide a response to the further ground.
- (2) For the purpose of subregulation (1)(c), the specified period is —
 - (a) a period of 21 days beginning on the later of the following days —
 - (i) the day on which the custodial officer is given the notice of the further ground;
 - (ii) the day on which the custodial officer is provided with copies of all of the documents required to be provided under subregulation (1)(b);
 - (iii) the day on which all material required to be made available has been made available to the custodial officer for inspection under subregulation (1)(b);or
 - (b) any longer period approved by the chief executive officer before the end of the period referred to in paragraph (a), on —
 - (i) an application made by the custodial officer; or
 - (ii) the initiative of the chief executive officer.

- (3) If the chief executive officer does not provide the custodial officer with a copy of a document or make available for inspection any other material that was examined and taken into account by the chief executive officer under this Division because it is privileged, the chief executive officer must advise the custodial officer of each ground on which the document or material is privileged.
- (4) Subregulation (3) does not apply if the chief executive officer has already advised the custodial officer under this Division of each ground on which the document or material is privileged.

63. Notice of chief executive officer's decision on removal action and material relied on

- (1) As far as practicable, a decision notice as defined in section 11CD(3)(b) of the Act must be given to the custodial officer within 7 days after the chief executive officer has decided to take removal action.
- (2) The chief executive officer is not required to comply with section 11CD(6) of the Act to the extent that —
 - (a) the chief executive officer has already provided the custodial officer with a copy of the document or made available to the custodial officer for inspection any other material under this Division; or
 - (b) the document or material is privileged.
- (3) If the chief executive officer does not comply with section 11CD(6) of the Act because the document or material is privileged the chief executive officer must advise the custodial officer of each ground on which the document or material is privileged.
- (4) Subregulation (3) does not apply if the chief executive officer has already advised the custodial officer under this Division of each ground on which the document or material is privileged.

64. Service of notices or documents

- (1) If a notice or document is required to be given to a custodial officer under Part 3 Division 3 of the Act or this Division, service may be effected on the custodial officer —
 - (a) by delivering it to the custodial officer personally; or
 - (b) by properly addressing and posting it (by prepaid post) as a letter to the usual or last known residential address of the custodial

- officer or address for service given by the custodial officer in writing to the chief executive officer; or
- (c) by leaving it for the custodial officer at the custodial officer's usual or last known residential address; or
 - (d) by leaving it for the custodial officer at an address for service given by the custodial officer in writing to the chief executive officer.
- (2) Service under subregulation (1) is to be taken to be effected —
- (a) in the case of service under subregulation (1)(a), at the time of delivery to the custodial officer; or
 - (b) in the case of service under subregulation (1)(b), at the time when the letter would have been delivered in the ordinary course of post; or
 - (c) in the case of service under subregulation (1)(c), at the time it is left at the residential address; or
 - (d) in the case of service under subregulation (1)(d), at the time it is left at the address given to the chief executive officer.

65. Application

Regulations 55 to 63 do not apply where a custodial officer is removed under regulation 51 or 52A.

66. Restriction on suspending custodial officer's pay

During any period in which consideration is being given to a custodial officer's suitability to continue as a custodial officer, the chief executive officer cannot suspend the custodial officer's pay.

11. Regulation 70 amended

Delete regulation 70(2).

12. Regulation 89 amended

Delete regulation 89(3).

13. Part 12 inserted

After regulation 104 insert:

Part 12 — Savings and transitional provisions**105. Discipline before commencement day**

(1) In this regulation —

commencement day means the day on which the *Young Offenders Amendment Regulations 2015* regulation 10 comes into operation;

former disciplinary provisions means Part 8 Division 3 as in force immediately before the commencement day;

misconduct, by a custodial officer, means conduct by the custodial officer that is or is reasonably suspected to be —

- (a) substandard performance or a breach of discipline, as those terms are defined in the *Public Sector Management Act 1994*; or
- (b) conduct that may result in the chief executive officer taking removal action, as defined in section 11CA of the Act, in relation to the custodial officer;

penalty includes any action against a custodial officer taken under the *Public Sector Management Act 1994* Part 5.

- (2) Proceedings for a breach of discipline instituted under the former disciplinary provisions that are pending immediately before the commencement day are to be dealt with and determined under those provisions as if the *Young Offenders Amendment Regulations 2015* had not come into operation.
- (3) Part 8 applies to misconduct committed, or suspected of having been committed, by a custodial officer before the commencement day but in relation to which proceedings for a breach of discipline have not been instituted under the former disciplinary provisions.
- (4) However, if misconduct occurring before the commencement day would have constituted a breach of discipline under the former disciplinary provisions, a penalty cannot be imposed under Part 8 Division 3 in relation to the misconduct unless that penalty would also have been able to be imposed for the breach of discipline under the former disciplinary provisions.

Note: The heading to regulation 47 is to read:

Term used: miscellaneous employee

K. H. ANDREWS, Clerk of the Executive Council.

ENVIRONMENT

EV301*

Environmental Protection Act 1986

**Environmental Protection Amendment
Regulations 2015**

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Environmental Protection Amendment Regulations 2015*.

2. Commencement

These regulations come into operation as follows —

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

3. Regulations amended

These regulations amend the *Environmental Protection Regulations 1987*.

4. Schedule 7 amended

In Schedule 7 Forms 1, 2, 3 and 4 delete “Sex: M/F”.

N. HAGLEY, Clerk of the Executive Council.

INDUSTRIAL RELATIONS

IR301*

Industrial Relations Act 1979

**Industrial Relations Commission Amendment
Regulations (No. 3) 2015**

Made by the Chief Commissioner of The Western Australian Industrial Relations Commission after consulting the members of the Commission.

1. Citation

These regulations are the *Industrial Relations Commission Amendment Regulations (No. 3) 2015*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Custodial Legislation (Officers Discipline) Amendment Act 2014* Parts 2 and 3 come into operation.

3. Regulations amended

These regulations amend the *Industrial Relations Commission Regulations 2005*.

4. Regulation 5 amended

After regulation 5(1) insert:

- (2A) Any requirement in these regulations for a signature does not apply if a Form is lodged electronically.

5. Parts 9A and 9B inserted

After regulation 88 insert:

**Part 9A — Appeals under *Prisons Act 1981*
section 106****89A. Terms used**

In this Part and in Form 31A —

appeal against removal action means an appeal under the *Prisons Act 1981* section 106;

appellant means a prison officer who institutes an appeal against removal action;

chief executive officer has the meaning given in the *Prisons Act 1981* section 3(1);

prison officer has the same meaning as in the *Prisons Act 1981* Part X Division 3;

removal action has the meaning given in the *Prisons Act 1981* section 101(1).

89B. Notice of appeal against removal action

An appeal by a prison officer against removal action is instituted under the *Prisons Act 1981* section 106(2) if the prison officer completes and files in the office of the Registrar 3 copies of a notice of appeal to the chief executive officer in the form of Form 31A.

89C. Service of notice of appeal against removal action

Within 7 days after an appeal against removal action is instituted, the appellant must serve a stamped copy of the notice of appeal on the chief executive officer.

89D. Response by chief executive officer

- (1) Except as otherwise directed by the Commission, the chief executive officer must respond to the notice of appeal within 28 days of the service of the notice of appeal —
 - (a) by completing and filing in the office of the Registrar 3 copies of —
 - (i) a notice of answer stating the chief executive officer's reasons for deciding to take removal action; and
 - (ii) a list of all documents, as defined in regulation 20(1), that the chief executive officer considered before making the decision; and
 - (iii) a summary of facts or issues of law relied upon by the chief executive officer, including any relevant matters set out in the *Prisons Act 1981* section 107(4); and
 - (iv) a reply containing any matters the chief executive officer wishes to raise in relation to the appellant's case;
 - and
 - (b) by serving a stamped copy of those documents on the appellant.
- (2) The notice of answer must be in the form of Form 5 and have attached to it the list of documents, the summary and the reply.

89E. Documents relied on to be filed and served

- (1) Except as otherwise directed by the Commission, within 14 days of the service on the appellant of the documents referred to in regulation 89D, the chief executive officer must —
 - (a) file in the office of the Registrar 3 copies of every document relied upon by the chief executive officer in the appellant's case; and
 - (b) serve a stamped copy of those documents on the appellant.

- (2) Except as otherwise directed by the Commission, within 14 days of the service on the appellant of all of the documents referred to in subregulation (1), the appellant must —
 - (a) file in the office of the Registrar 3 copies of every document relied upon by the appellant in the appellant's case; and
 - (b) serve a stamped copy of those documents on the chief executive officer.
- (3) If, under an agreement between the chief executive officer and the appellant, one party files a document on behalf of both parties, both parties are taken to have satisfied the requirements under this regulation in relation to that document.

89F. Notice of reformulated reasons under *Prisons Act 1981* s. 110A(4)

- (1) The notice of the reformulated reasons required under the *Prisons Act 1981* section 110A(4)(a) to be given to the Commission by the chief executive officer is to be given —
 - (a) by completing and filing in the office of the Registrar 3 copies of —
 - (i) a statement of the chief executive officer's reformulated reasons; and
 - (ii) a summary of facts or issues of law relied upon by the chief executive officer in reformulating the reasons, including any relevant matters set out in the *Prisons Act 1981* section 107(4); and
 - (iii) a reply containing any matters the chief executive officer wishes to raise in relation to the appellant's case;
 - and
 - (b) by serving a stamped copy of those documents on the appellant.
- (2) The statement, the summary and the reply must be in a form approved by the Chief Commissioner.
- (3) If the notice is not given at least 7 days before the resumption of the appeal, the Commission may adjourn the hearing of the appeal to a further date to allow the Commission or the appellant sufficient time to consider the contents of the notice.

89G. Withdrawal or discontinuance of appeal against removal

An appellant may withdraw or wholly discontinue an appeal against removal action, or withdraw any part of the appeal —

- (a) by completing and filing in the office of the Registrar 3 copies of a notice of withdrawal or discontinuance in the form of Form 14; and
- (b) by serving a stamped copy of the notice on the chief executive officer.

Part 9B — Appeals under *Young Offenders Act 1994* section 11CH

89H. Terms used

In this Part and in Form 31B —

appeal against removal action means an appeal under the *Young Offenders Act 1994* section 11CH;

appellant means a custodial officer who institutes an appeal against removal action;

chief executive officer has the meaning given in the *Young Offenders Act 1994* section 3;

custodial officer has the meaning given in the *Young Offenders Act 1994* section 3;

removal action has the meaning given in the *Young Offenders Act 1994* section 11CA.

89I. Notice of appeal against removal action

An appeal by a custodial officer against removal action is instituted under the *Young Offenders Act 1994* section 11CH(2) if the custodial officer completes and files in the office of the Registrar 3 copies of a notice of appeal to the chief executive officer in the form of Form 31B.

89J. Service of notice of appeal against removal action

Within 7 days after an appeal against removal action is instituted, the appellant must serve a stamped copy of the notice of appeal on the chief executive officer.

89K. Response by chief executive officer

- (1) Except as otherwise directed by the Commission, the chief executive officer must respond to the notice of appeal within 28 days of the service of the notice of appeal —
 - (a) by completing and filing in the office of the Registrar 3 copies of —
 - (i) a notice of answer stating the chief executive officer's reasons for deciding to take removal action; and
 - (ii) a list of all documents, as defined in regulation 20(1), that the chief executive officer considered before making the decision; and
 - (iii) a summary of facts or issues of law relied upon by the chief executive officer, including any relevant matters set out in the *Young Offenders Act 1994* section 11CI(4); and
 - (iv) a reply containing any matters the chief executive officer wishes to raise in relation to the appellant's case;
 - and
 - (b) by serving a stamped copy of those documents on the appellant.
- (2) The notice of answer must be in the form of Form 5 and have attached to it the list of documents, the summary and the reply.

89L. Documents relied on to be filed and served

- (1) Except as otherwise directed by the Commission, within 14 days of the service on the appellant of the documents referred to in regulation 89K, the chief executive officer must —
 - (a) file in the office of the Registrar 3 copies of every document relied upon by the chief executive officer in the appellant's case; and
 - (b) serve a stamped copy of those documents on the appellant.
- (2) Except as otherwise directed by the Commission, within 14 days of the service on the appellant of all of the documents referred to in subregulation (1), the appellant must —
 - (a) file in the office of the Registrar 3 copies of every document relied upon by the appellant in the appellant's case; and
 - (b) serve a stamped copy of those documents on the chief executive officer.

- (3) If, under an agreement between the chief executive officer and the appellant, one party files a document on behalf of both parties, both parties are taken to have satisfied the requirements under this regulation in relation to that document.

89M. Notice of reformulated reasons under *Young Offenders Act 1994* s. 11CL(4)

- (1) The notice of the reformulated reasons required under the *Young Offenders Act 1994* section 11CL(4)(a) to be given to the Commission by the chief executive officer is to be given —
 - (a) by completing and filing in the office of the Registrar 3 copies of —
 - (i) a statement of the chief executive officer's reformulated reasons; and
 - (ii) a summary of facts or issues of law relied upon by the chief executive officer in reformulating the reasons, including any relevant matters set out in the *Young Offenders Act 1994* section 11CI(4); and
 - (iii) a reply containing any matters the chief executive officer wishes to raise in relation to the appellant's case;
 - and
 - (b) by serving a stamped copy of those documents on the appellant.
- (2) The statement, the summary and the reply must be in a form approved by the Chief Commissioner.
- (3) If the notice is not given at least 7 days before the resumption of the appeal, the Commission may adjourn the hearing of the appeal to a further date to allow the Commission or the appellant sufficient time to consider the contents of the notice.

89N. Withdrawal or discontinuance of appeal against removal

An appellant may withdraw or wholly discontinue an appeal against removal action, or withdraw any part of the appeal —

- (a) by completing and filing in the office of the Registrar 3 copies of a notice of withdrawal or discontinuance in the form of Form 14; and
- (b) by serving a stamped copy of the notice on the chief executive officer.

6. Regulation 107 amended

- (1) In regulation 107(1) delete “Form 11.” and insert:

Form 11 that has attached to it a schedule that includes such particulars as are approved by the Chief Commissioner from time to time.

- (2) In regulation 107(2) after “decision,” (each occurrence) insert:

finding,

- (3) Delete regulation 107(3) and (4) and insert:

- (3) The notice of appeal and the attached schedule must be signed by the appellant.

- (4) At the time of filing the notice of appeal the appellant must lodge in the office of the Registrar 3 copies of the notice for use of the Board and one copy for the respondent.

- (4) After regulation 107(5) insert:

- (6A) A respondent that is served with the notice of appeal and that wants to respond to it may file a notice of answer in the form of Form 5 within 21 days of being served with the notice of appeal.

7. Schedule 1 Form 5 amended

Delete the reference after the heading to Schedule 1 Form 5 and insert:

[r. 14, 48(5), 50(6), 61(4), 63A(4), 89D(2), 89K(2), 99D(6), 99E and 107(6A)]

8. Schedule 1 Form 11 replaced

Delete Schedule 1 Form 11 and insert:

Form 11 — Notice of appeal to Public Service Appeal Board

[r. 107(1)]

Industrial Relations Act 1979

In the Western Australian Industrial Relations Commission

No. of 20.....

To:

.....

.....

.....

(name, postal address and telephone number of the employing authority who made the decision,
finding, determination or recommendation — attach statement if more space is needed)

TAKE NOTICE THAT

.....

.....

.....

(name, street address and telephone number of person making the
appeal — attach statement if more space is needed)

has this day instituted an appeal against the decision, finding, determination or
recommendation given on the day of
20

.....
(signature of appellant)

- NOTE 1: This form must be completed by the appellant and a schedule that includes such particulars as are approved by the Chief Commissioner from time to time must be attached. This form and the attached schedule must be signed by the appellant.
- NOTE 2: The fee payable with this notice of appeal must be paid at the time it is filed, or within 7 days of filing, or the appeal will not proceed.
- NOTE 3: Unless the Public Service Appeal Board otherwise directs, after this notice of appeal is filed, the appellant must serve (e.g. by posting or delivering it personally) a stamped copy of it and the attached schedule on the respondent as soon as reasonably practicable and complete and file a Form 4 statutory declaration of service declaring that this has been done.
- NOTE 4: A respondent that is served with this notice of appeal and that wants to respond to it may file a notice of answer in Form 5 within 21 days of being served with this notice of appeal. There is no fee payable.

All Forms are available from the Registry or downloadable at www.wairc.wa.gov.au.

(Stamp of Commission)

9. Schedule 1 Form 14 amended

Delete the reference after the heading to Schedule 1 Form 14 and insert:

[r. 16(1) and (4), 89G(a), 89N(a), 99 and 99E]

10. Schedule 1 Forms 31A and 31B inserted

After Schedule 1 Form 30 insert:

Form 31A — Notice of appeal against a decision to take removal action under *Prisons Act 1981*

[r. 89B]

Industrial Relations Act 1979

In the Western Australian Industrial Relations Commission

No. of 20

To the chief executive officer

TAKE NOTICE THAT

.....

(name, street address and telephone number of appellant — attach statement if more space is needed)

has this day instituted an appeal under the *Prisons Act 1981* section 106 against your decision under section 101 of that Act to take removal action against the appellant with effect from the day of 20.....

The details of the decision and reasons for the decision being harsh, oppressive or unfair are:

.....

(give details of the decision and reasons for the decision being harsh, oppressive or unfair — attach statement if more space is needed)

The appellant seeks:

- ☐ an order that the appellant's removal is, and is to be taken to have always been, of no effect; or
- ☐ an order that the chief executive officer is to pay the appellant an amount of compensation for loss or injury caused by the removal.

(please tick one box only)

.....
(signature of appellant)

NOTE: Unless the Commission otherwise directs, within 7 days after the notice is filed, the appellant must serve (e.g. by posting or delivering it to the person personally) a stamped copy, together with its attachments, on the chief executive officer and as soon as reasonably practicable file a Form 4 statutory declaration of service declaring that this has been done.

All Forms are available from the Registry or downloadable at www.wairc.wa.gov.au.

(Stamp of Commission)

**Form 31B — Notice of appeal against a decision to take removal
action under *Young Offenders Act 1994***

[r. 89I]

Industrial Relations Act 1979

In the Western Australian Industrial Relations Commission

No. of 20

To the chief executive officer

TAKE NOTICE THAT

.....

.....
(name, street address and telephone number of appellant — attach
statement if more space is needed)

has this day instituted an appeal under the *Young Offenders Act 1994* section 11CH
against your decision under section 11CC of that Act to remove the appellant from
office with effect from the day of 20.....

The details of the decision and reasons for the decision being harsh, oppressive or
unfair are:

.....

.....
(give details of the decision and reasons for the decision being harsh, oppressive or unfair — attach
statement if more space is needed)

The appellant seeks:

- ☐ an order that the appellant's removal is, and is to be taken to have always
been, of no effect; or
- ☐ an order that the chief executive officer is to pay the appellant an amount of
compensation for loss or injury caused by the removal.

(please tick one box only)

.....

(signature of appellant)

NOTE: Unless the Commission otherwise directs, within 7 days after the notice
is filed, the appellant must serve (e.g. by posting or delivering it to the
person personally) a stamped copy, together with its attachments, on the
chief executive officer and as soon as reasonably practicable file a
Form 4 statutory declaration of service declaring that this has been done.

All Forms are available from the Registry or downloadable at www.waipc.wa.gov.au.

(Stamp of Commission)

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

LOCAL GOVERNMENT

LG301*

Cemeteries Act 1986

**Cemeteries (Mount Magnet Paynesville
Cemetery Part Closure) Order 2015**

Made by the Governor in Executive Council under the *Cemeteries Act 1986* section 4(2).

1. Citation

This order is the *Cemeteries (Mount Magnet Paynesville Cemetery Part Closure) Order 2015*.

2. Commencement

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

3. Terms used

In this order —

gazettal day means the day on which this order is published in the *Gazette*;

portion of Paynesville Cemetery means the land being Lot 369 on Deposited Plan 46429 being an area of approximately 2.3193 ha.

4. Closure of portion of Paynesville Cemetery

- (1) The portion of Paynesville Cemetery is closed on gazettal day.
- (2) Burials in the portion of Paynesville Cemetery are to be discontinued wholly from gazettal day.

R. KENNEDY, Clerk of the Executive Council.

— PART 2 —

AGRICULTURE AND FOOD

AG401*

AGRICULTURE AND RELATED RESOURCES PROTECTION (EUROPEAN HOUSE BORER) REGULATIONS 2006

REGULATION 18A NOTICE

Gnangara And Darling Scarp Restricted Movement Zones

New finds of European house borer (EHB) in the Gnangara and Darling Scarp Restricted Movement Zone (RMZ) previously determined under regulation 18A of the *Agriculture and Related Resources Protection (European House Borer) Regulations 2006* have resulted in slight alterations to boundary descriptions.

The Gnangara RMZ identified below replaces the identification of the Gnangara RMZ published in the Gazette on 12 December 2014. The Darling Scarp RMZ identified below replaces the identification of the Darling Scarp RMZ published in the Gazette on 3 September 2010.

Because of proximity to infested pinewood, the movement of pinewood in this area is restricted.

Details of the restrictions are as follows—

Bringing untreated pinewood into RMZ

Movement is not generally restricted. However, a person may be issued a written notice prohibiting pinewood movement into the RMZ if an authorised person believes that the presence of the pinewood in the RMZ will increase the risk of EHB spread.

Removing pinewood from RMZ

Untreated seasoned pinewood that has been in an RMZ for 72 hours or more must not be removed from that RMZ unless—

- The pinewood is pinewood pieces of less than 100 cm³; or
- The pinewood has been stored in a suitable building or enclosure or has been fully enclosed in plastic wrapping or other authorised material to prevent exposure to EHB; or
- The pinewood has been treated with a preservative in accordance with the relevant standards; or
- The pinewood has been chemically fumigated or heat treated in accordance with the regulations; or
- Written authorisation has been given by an authorised person.

Note: “seasoned pinewood” is pinewood that has a moisture content of 20% or less when tested in accordance with the Australian Standard.

Unseasoned pinewood must not be removed from a RMZ during the control period (from 1 September until 30 April) unless the movement is authorised by an authorised person.

Visit the EHB website at agric.wa.gov.au/ehb or call 1800 084 881 for more information on the restrictions or for detailed maps of RMZs.

RESTRICTED MOVEMENT ZONES

RMZ Gnangara—Area of the state bordered by Great Northern Highway/Morrissey Rd, east to end, follow parcel boundaries south-east/north to southern boundary parcel 40042406, east/north to join Sabre Cl, east to Jenkins Rd, south-east to Coventry Crsg, east/north to Catsbells Av, east to Ashmere Dr, south to Chittering Rd, north-east to Meadowbrook Rmbl, south-east to Meadowbrook Rmbl, south-east to Avondale Grn and continue 260 meters, south/east/south along parcel boundary to include parcel numbers 22749750 and 22517010 to Linzer Pl, south to Jess Rd, west to Ridgetop Trl, south to parcel boundaries, continue south along parcel boundaries to join Hillside Pl, south to Smith Rd, west to Taylor Rd, south to parcel 22507850, continue south along eastern boundary to parcel 40502589, west to Stock Rd W, continue west to Great Northern Hwy, south to Upper Swan Suburb boundary, east to Brigadoon Suburb boundary follow east/south/west/south/west to Baskerville Suburb boundary, follow boundary south to Red Hill suburb boundary, follow south to Toodyay Rd, south-west/north-west/south/south-west to Roe Highway, north/north-west to Great Northern Highway, south to Muriel St, west/south/west along Midland Suburb boundary, west along Woodbridge Suburb boundary north along Viveash Suburb boundary, west along Caversham Av to West Swan Rd, south to Harper St, west to eastern edge of Whiteman Park boundary and follow north/west/north to Benara Rd, west to Lord St, north / north-west to Marshall Rd, west to Beechboro Rd North, north to walking track gates (north of Baal St), west to Park St, west along Kingsway to ‘City of Wanneroo Structure Plan 7

Boundary', north to Gnangara Rd, west to Priest road, south to Pollino Gdns, south-west to Mirrabooka Ave, south to Furniss Rd, west to MacDermott Pde, south to Eglinton Dr, west to Tyrone Dr, continue west onto Sutton wy then Tullamore Dr, west to Portroe Wy, south to Belvoir Pkwy, east/south/east/south/south to Goldsmith Wy, south to Westport Pde, west to Carripan Rd, south to Kingsway Bvd, west to Regency Ave, north to Russell Rd, west to Martindale Ave, north to Lockeport App, west to Susan Rd, north-west to Gnangara Rd, west to Wanneroo Rd, north to Ocean Reef Rd, west to Edgewater Dr, north to Hindmarsh Wy, west to Lakeside Dr, north to Shenton Av, west to Grand Bvd, north-west to Joondalup Dr, north/east to Wanneroo Rd, north to Yanchep Beach Rd, north-west to proposed Mitchell Fwy, north to Yanchep Suburb boundary, follow boundary north to Caraban Rd, north-west to Wabling Rd, east to Military Rd, south to Redwood Rd, east to Nuytsia Rd, south-west then south-east to Casuarina Rd, south to Airforce Rd, east to Rosella Rd, south then east to Clover Rd, east to High Hill Rd, south to RAAF Boundary Rd, west to Rosella Rd, south then south-west to Perry Rd, south to 'Unnamed Roads', east to City of Wanneroo shire boundary, east to City of Swan Shire Boundary, east along boundary to Muchea South Rd, south to Morley Rd, go east along parcel boundaries (200m south of this road) to Great Northern Hwy/Morrissey Rd.

RMZ Darling Scarp—The area of the state bordered by Bickley/Brentwood Rd intersection, north-west to Wanaping Rd, south-west to Brixton St, north-west to Roe Hwy, south-west to Railway Pde, north-west to Lacey St, north-east to Redcliffe St, north-west to Gerard St, north-east to Batten Rd, north-west to Gibbs St, north-east to Stephen St, north-west to Reginald St, north-east to Whitlock Rd, north-west to Wharf St, north-east to Welshpool Rd, east to Murray Rd South, north-east to Murray Rd North, north-east to Dowd St, north-west to Kurnall Rd, north-east to Sheffield Rd, south-east to McDowell St, north-east to Tomah Rd, south-east to Roe Hwy, north to Tonkin Hwy, north to just south of Stanton Rd overpass, east along Perth Airport Suburb Boundary to Great Eastern Hwy Bypass / Kalamunda Rd intersection, north-west to Highman St, north-east to Queens Rd, north-west to Great Eastern Hwy, north to South Guildford Suburb boundary follow north-east to Hazelmere Suburb Boundary, south/east/south/east to Whiteman Rd, north-east to Helena River, follow river east to Military Rd, south to Hazelmere Suburb Boundary, east to Roe Hwy, north-east to Morrison Rd, west to Hume Ct, north and west to Charles East St and continuing west to Ferguson St, north to Eric St, West to Wroxtton St, north to Eddie Barron Dr, west to Lloyd St, north to Spring Av, west to Great Northern Hwy, north to Roe Hwy, east to Toodyay Rd, north-east to ESL Boundary, north/north-east along Boundary to O'Brien Rd, follow parcel boundaries north for approx 1km then east for approx 2km, then south to Toodyay Rd, north-east to Stoneville Rd, south to Cameron Rd, east to Joseph Rd, north to Trimble Rd, east to Bunning Rd, south to Quail St, east along Mundaring Shire boundary to Lilydale Rd, north to Breeze Rd, east to Mayo Rd, north to Dinsdale Rd, east to Wooroloo Suburb Boundary, east to Mcnamara Rd, south then east to Chedaring Rd, south-east to Great Eastern Hwy, south-west to Shire of Mundaring Boundary, follow Mundaring shire boundary south, east, south and west to Nocking Rd, south-east to Beryl Rd, south-east to Beraking Pool Rd, south-east then south west to Plunket Rd, west to Omeo Rd, north and east to Dale Rd, north-west approx. 4km to "unnamed" road north-west approx. 5km then west 4km along various "unnamed" forest access roads to bottom of 2km EHB Buffer survey arc, west to Pickering Brook Rd, south to Canning Rd, west following various parcel boundaries to Kalamunda Shire boundary, follow boundary north-west to Reservoir Rd, south west to Gosnells Rd East, south-west to Tonkin Hwy and Ballard Pl, North-west on Ballard Pl to Putting Grn, south-west to Alcock St, north-west to Revesby St, south-west to Westfield St, north-west to Kelvin Rd, south-west to Davison St, north-west to Belmont Rd, north-west to Brentwood road/ Bickley road intersection.

ROB DELANE, Director General.

ELECTORAL

EL401*

MARKETING OF POTATOES ACT 1946

POTATO MARKETING CORPORATION OF WESTERN AUSTRALIA

Election of Officers pursuant to section 8

ELECTION NOTICE

Nominations are called from eligible members for the election of—

Elective Member (1)

Nominations will be accepted from Friday 28 August 2015.

Nomination forms are to be completed in accordance with the *Marketing of Potatoes Regulations 1987* and must reach me no later than 12.00 noon on Friday 11 September 2015. Should an election be necessary, voting will close at 4.00 pm on Thursday 22 October 2015.

HOW TO LODGE NOMINATIONS

- **By Hand:** Western Australian Electoral Commission
Level 2, 111 St Georges Terrace
PERTH WA 6000

- **By Post:** GPO Box F316
PERTH WA 6841
- **By Fax:** 9226 0577

Nomination forms are available either from the Potato Marketing Corporation of Western Australia office or from me at the Western Australian Electoral Commission. Originals of faxed nominations must be mailed or hand-delivered to the Returning Officer.

ALL MEMBERS! Have you changed your address?

If so, please advise the Potato Marketing Corporation of Western Australia of your new address.

WAYNE NICHOLSON, Returning Officer.

Phone: 13 63 06

Email: waec@waec.wa.gov.au

JUSTICE

JU401*

JUSTICES OF THE PEACE ACT 2004

APPOINTMENT

It is hereby notified for public information that the Deputy of the Governor in Executive Council has approved of the following to the Office of Justice of the Peace for the State of Western Australia—

Vicki Maree White of Lot 1 Lowden Road, Kojonup

MICHAEL JOHNSON, A/Executive Director,
Court and Tribunal Services.

JU402*

JUSTICES OF THE PEACE ACT 2004

RESIGNATIONS

It is hereby notified for public information that the Minister has accepted the resignation of—

Mr Maximilian Namestnik of Potts Point, NSW

Mrs Eileen Margaret Noakes of Margaret River

Mr Darryll Bevis Retallack of Trigg

Mrs Marjorie Joy Rodgers of Como

Mrs Gertrude Louise Mooney of North Perth

from the Office of Justice of the Peace for the State of Western Australia.

MICHAEL JOHNSON, A/Executive Director,
Court and Tribunal Services.

LOCAL GOVERNMENT

LG401*

SHIRE OF CHITTERING

APPOINTMENTS

It is hereby notified for public information that Bronwyn Southee, Steve Browne, Max Brown, Peter Hall, Arthur Blewitt and Gordon Carter have been appointed Authorised Officers in accordance with the relevant Acts hereunder effective immediately—

Food Act 2008, Sections 126(3), (6), (7)—

Bronwyn Southee

Bush Fires Act 1954, Section 38—

Steve Browne

Max Brown

Peter Hall

Arthur Blewitt
Gordon Carter

All previous authorisations for Paul Martin, Bob Wainwright, Frank Schubert, Nicholas Walter and Martin Lee are hereby revoked.

Updated: 17 August 2015.

GARY TUFFIN, Chief Executive Officer.

LG402*

DOG ACT 1976
CAT ACT 2011

Shire of Dardanup

APPOINTMENT

It is hereby notified for public information that the following amendment has been made to the Shire of Dardanup's Authorised Persons.

The following person is authorised to exercise powers as an Authorised Person under the *Dog Act 1976* and the *Cat Act 2011* as a Registration Officer—

Katie Tilbee

This appointment remains valid until revoked or until the person appointed is no longer an employee of the Shire of Dardanup.

MARK L. CHESTER, Chief Executive Officer.

MARINE/MARITIME

MA401*

WESTERN AUSTRALIAN MARINE ACT 1982

CLOSED WATERS (MOTORISED VESSELS)

City of Canning

Canning River

Department of Transport,
Fremantle WA, 21 August 2015.

Acting pursuant to the powers conferred by Section 66 of the *Western Australian Marine Act 1982*, I hereby cancel Notice MA401 as published in the *Government Gazette* on 14 October 2014 and close the following waters to navigation of motorised vessels, with the exception of bonafide Western Australian government vessels—

Canning River

All waters of the Canning River upstream of the Kent Street Weir.

This area contains oxygenation plant submerged infrastructure.

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

MA402*

WESTERN AUSTRALIAN MARINE ACT 1982

CANCELLATION OF CLOSED WATERS

Monkey Mia

Shark Bay

Department of Transport,
Fremantle WA, 21 August 2015.

Acting pursuant to the powers conferred by Section 66 of the *Western Australian Marine Act 1982*, I hereby cancel Notice TR401 as published in the *Government Gazette* on 11 September 2001.

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

MINERALS AND PETROLEUM

MP401***MINING ACT 1978**
FORFEITUREDepartment of Mines and Petroleum,
East Perth WA 6004.

I hereby declare in accordance with the provisions of section 96A of the *Mining Act 1978* that the undermentioned mining tenements are forfeited for breach of covenant, being non payment of rent.

Hon BILL MARMION MLA, Minister for Finance; Mines and Petroleum.

Number	Holder	Minerals Field
	EXPLORATION LICENCE	
E08/2356	Inosite Limited Sanderson, Alan	Ashburton
E53/1715	Gazard Investments Pty Ltd	East Murchison

MP402***MINING ACT 1978**
FORFEITUREDepartment of Mines and Petroleum,
East Perth WA 6004.

I hereby declare in accordance with the provisions of section 96A of the *Mining Act 1978* that the undermentioned mining tenements are forfeited for breach of covenant, being non payment of rent.

Hon BILL MARMION MLA, Minister for Finance; Mines and Petroleum.

Number	Holder	Minerals Field
	EXPLORATION LICENCE	
E09/1809	Drage, Rodney Thomas	Gascoyne
E25/454	Guide Resources Pty Ltd	East Coolgardie
E45/3904	Laconia Resources Limited	Pilbara
E52/2851	Stash Holdings Pty Ltd	Peak Hill
E53/1638	Guide Resources Pty Ltd	East Murchison
E69/3131	Perentie Exploration Pty Ltd	Warburton
E70/3994	Walsh, Gerald Henry	South West

MP403***MINING ACT 1978****APPLICATION FOR AN ORDER FOR FORFEITURE**

In accordance with Regulation 49(2) of the *Mining Regulations 1981*, notice is hereby given that following prospecting licence is liable to forfeiture pursuant to the provisions of section 96(1)(a) of the *Mining Act 1978* for non-payment of annual rent in advance.

ANDREW MAUGHAN, Warden.

The application for forfeiture is to be heard before the Warden in Open Court, Court Room 95, Level 9, Central Law Courts, 501 Hay Street, Perth at 10:00am on 25th September 2015.

PHILLIPS RIVER MINERAL FIELD*Prospecting Licence*

P 74/345 Burton, Ian Geoffrey

MP404***MINING ACT 1978****APPLICATION FOR AN ORDER FOR FORFEITURE**

In accordance with Regulation 49(2) of the *Mining Regulations 1981*, notice is hereby given that following prospecting licences are liable to forfeiture pursuant to the provisions of section 96(1)(a) of the *Mining Act 1978* for non-compliance with the expenditure condition and/or non-compliance with the reporting provisions.

ANDREW MAUGHAN, Warden.

The application for forfeiture is to be heard before the Warden in Open Court, Court Room 95, Level 9, Central Law Courts, 501 Hay Street, Perth at 10:00am on 25th September 2015

SOUTH WEST MINERAL FIELD*Prospecting Licence*

P 70/932	Premier Coal Limited
P 70/933	Premier Coal Limited
P 70/1588	Westdeen Holdings Pty Ltd

MP406***MINING ACT 1978****APPLICATION FOR AN ORDER FOR FORFEITURE**

Department of Mines and Petroleum,
Kalgoorlie WA 6430.

In accordance with Regulation 49(2)(c) of the *Mining Regulations 1981*, notice is hereby given that the following licences are liable to forfeiture under the provision of Section 96(1)(a) of the *Mining Act 1978* for breach of covenant, being failure to comply with the prescribed expenditure conditions and/or non-compliance with the reporting provisions.

N. LEMMON, Warden.

To be heard by the Warden at Kalgoorlie on 16 October 2015.

EAST COOLGARDIE MINERAL FIELD*Prospecting Licences*

P 25/2222	Gibson, Peter Ronald
P 25/2223	Gibson, Peter Ronald
P 25/2224	Gibson, Peter Ronald

N. E. COOLGARDIE MINERAL FIELD*Prospecting Licences*

P 27/2183	Campbell, Jack Edward
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NORTH COOLGARDIE MINERAL FIELD*Prospecting Licences*

P 29/2137	Perrella, Eugene Thomas
P 29/2138	Perrella, Eugene Thomas
P 31/1790	Yarri Battery and Resources Pty Ltd
P 31/1791	Yarri Battery and Resources Pty Ltd
P 31/1792	Yarri Battery and Resources Pty Ltd
P 31/1793	Yarri Battery and Resources Pty Ltd
P 31/1794	Yarri Battery and Resources Pty Ltd

MP405***MINING ACT 1978****APPLICATION FOR AN ORDER FOR FORFEITURE**

Department of Mines and Petroleum,
Kalgoorlie WA 6430.

In accordance with Regulation 49(2)(c) of the *Mining Regulations 1981*, notice is hereby given that the following licences are liable for forfeiture under the provision of Section 96(1)(a) of the *Mining Act 1978* for non payment of rent.

N. LEMMON, Warden.

To be heard by the Warden at Kalgoorlie on 16 October 2015.

NORTH COOLGARDIE MINERAL FIELD*Prospecting Licences*

P 29/2292	Van Blitterswyk, Wayne Craig
P 29/2293	Van Blitterswyk, Wayne Craig
P 29/2294	Van Blitterswyk, Wayne Craig
P 29/2295	Van Blitterswyk, Wayne Craig
P 29/2296	Van Blitterswyk, Wayne Craig
P 29/2299	Van Blitterswyk, Wayne Craig
P 29/2300	Van Blitterswyk, Wayne Craig
P 29/2301	Van Blitterswyk, Wayne Craig
P 29/2302	Van Blitterswyk, Wayne Craig

MP407***MINING ACT 1978****INTENTION TO FORFEIT**

Department of Mines and Petroleum,
Perth WA 6000.

In accordance with Regulation 50(b) of the *Mining Regulations 1981*, notice is hereby given that unless the rent due on the under mentioned mining tenements are paid on or before 18 September 2015 it is the intention of the Minister for Mines and Petroleum under the provisions of sections 96A(1) and 97(1) of the *Mining Act 1978* to forfeit such for breach of covenant, being non-payment of rent.

DIRECTOR GENERAL.

Number	Holder	Mineral Field
EXPLORATION LICENCE		
E 08/2199	Stash Holdings Pty Ltd	Ashburton
E 15/970	Salt Lake Mining Pty Ltd	Coolgardie
E 28/1663	Triton Gold (Project A) Pty Ltd Matsa Resources Limited	N. E. Coolgardie
E 28/1664	Triton Gold (Project A) Pty Ltd Matsa Resources Limited	N. E. Coolgardie
E 28/2090	Guide Resources Pty Ltd	N. E. Coolgardie
E 28/2199	Guide Resources Pty Ltd	N. E. Coolgardie
E 29/640	Mt Ida Gold Pty Ltd	North Coolgardie
E 29/641	Mt Ida Gold Pty Ltd	North Coolgardie
E 31/993	Icaras Pty Ltd Stubbs, Gregory Wayne	North Coolgardie
E 45/4293	Holocene Pty Ltd	Pilbara
E 46/950	Witx Pty Ltd	Pilbara
E 47/1464	Mallina Exploration Pty Ltd	West Pilbara
E 51/1476	Alchemy Resources (Murchison) Pty Ltd	Murchison
E 51/1551	Gascoyne Resources (Wa) Pty Ltd	Murchison
E 51/1560	Great Western Exploration Limited	Murchison
E 52/2647	Montezuma Mining Company Ltd	Peak Hill
E 53/1712	Great Western Exploration Limited	East Murchison
E 63/1508	Goldcrush Corporation Pty Ltd	Dundas

Number	Holder	Mineral Field
EXPLORATION LICENCE— <i>continued</i>		
E 63/1509	Goldcrush Corporation Pty Ltd	Dundas
E 63/1510	Goldcrush Corporation Pty Ltd	Dundas
E 69/2538	Reef Exploration Pty Ltd	Warburton
E 69/2539	Reef Exploration Pty Ltd	Warburton
E 69/3016-I	Central Australian Rare Earths Pty Ltd	Warburton
E 70/4591	Williams, John	South West
MINING LEASE		
M 24/115	Siberia Mining Corporation Pty Ltd	Broad Arrow
M 24/290	Siberia Mining Corporation Pty Ltd	Broad Arrow
M 24/352	Siberia Mining Corporation Pty Ltd	Broad Arrow
M 29/167-I	Heron Resources Limited	North Coolgardie
M 30/34	Carnegie Gold Pty Ltd	North Coolgardie
M 30/127	Carnegie Gold Pty Ltd	North Coolgardie
M 39/291	Dacian Gold Limited	Mt Margaret
M 70/1217	Cosmic Resources Pty Ltd	South West
GENERAL PURPOSE LEASE		
G 16/15	Olden, Malcolm Roy	Coolgardie

MP408***DANGEROUS GOODS SAFETY ACT 2004****DANGEROUS GOODS SAFETY APPOINTMENT NOTICE (NO. 3) 2015**

Made by the Chief Dangerous Goods Officer under s. 27(1) of the *Dangerous Goods Safety Act 2004*.

1. Citation

This notice may be cited as the *Dangerous Goods Safety Appointment Notice (No. 3) 2015*.

2. Dangerous goods officers appointed

I appoint the following person to be a dangerous goods officer—

- (i) Erin James
- (ii) Eric Gruber
- (iii) Marcus Rader

ROSS STIDOLPH, Chief Dangerous Goods Officer,
(Director of the Dangerous Goods and Petroleum Safety Branch,
Resources Safety Division of the Department of
Mines and Petroleum, Western Australia).

Date: 19 August 2015.

PLANNING

PL401***PLANNING AND DEVELOPMENT ACT 2005****APPROVED TOWN PLANNING SCHEME AMENDMENT***City of Karratha*

Town Planning Scheme No. 8—Amendment No. 36

Ref: TPS/1439

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 Karratha local planning scheme amendment on 13 August 2015 for the purpose of—

- (i) changing the text of the Appendix No. 6 Additional Use 2, as follows—

Additional Use Entry No.	Description of Land	Base Zoning	Additional Uses	Special Conditions
A2	Lot 126 on DP183297	Infrastructure Reservation	Industry-Noxious	

P. LONG, Mayor.
C. ADAMS, Chief Executive Officer.

PL403*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED TOWN PLANNING SCHEME AMENDMENT
Shire of Murray
Town Planning Scheme No. 4—Amendment No. 283

Ref: TPS/1422

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 Murray local planning scheme amendment on 6 August 2015 for the purpose of—

1. Rezoning the portion of Lot 151 Pinjarra Road, Furnissdale which is currently zoned Residential Development to Commercial.
2. Rezoning a 50 metre wide portion of Lot 401 Ronlyn Road, Furnissdale, extending 115 metres north of the south western corner of the lot, from Service Commercial to Commercial.
3. Modifying Appendix 11, item 2 relating to Lot 157 Pinjarra Road, Furnissdale, by removing reference to development being undertaken in accordance with the specified Outline Development Plan and by removing the Outline Development Plan from the Scheme text.

W. C. BARRETT, Shire President.
D. UNSWORTH, Chief Executive Officer.

PL402*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED TOWN PLANNING SCHEME AMENDMENT
Shire of Halls Creek
Town Planning Scheme No. 1—Amendment No. 21

Ref: TPS/1234

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 Halls Creek local planning scheme amendment on 13 August 2015 for the purpose of—

1. Rezoning—
 - (a) Lot 52 Lundja Community from Public Purpose ‘Use or Benefit of the Aboriginal Inhabitants’ to Settlement.
 - (b) Lots 172-174 Roberta Ave, Lots 151-171, 175-179, 187-191 and 193 Mardiwa Loop, Lots 182-183 and 192 Piriylji Cl, Lots 181, 182, 185 and 186 Jirrirndi Cr from Public Purposes ‘Use or Benefit of the Aboriginals Inhabitants’ to Rural Residential.
2. Rezoning Lot 508 Unnamed road from Rural/Pastoral and Special Site—Tourist Accommodation to Tourism.
3. Rezoning Lots 345 and 349-351 Welman Rd, Lots 346, 347 and 377 Barry Pl, Lot 138 Quilty St, Lots 139, 141, 238, 240 and 241 Flinders St, Lots 239 and 242 Bridge St, Lots 137, 178 and 371 Duncan Rd, Lot 418 Neighbour St from Public Purposes ‘Use or Benefit of the Aboriginals Inhabitants’ to Mixed Use.
4. Rezoning Lots 434, 435 Welman Rd, Lots 430-433 Neighbour St from Industrial and Residential R40 to Residential R20.
5. Rezoning 161 and 247 Darcy St from Public Purposes to Residential R40.
6. Rezoning Lots 7 and 8 Bridge St, and Lot 246 Roberta Av from Special Site—Caravan Park and Special Site—Hotel/Motel to Tourism.
7. Rezoning Part Lot 567 Roberts Av, Part Lot 149 Great Northern Hwy, Part Unnamed Lot Great Northern Hwy, Part Lot 138 and 139 Unnamed road, Part Lot 320 Duncan Rd from Rural/Pastoral to Industrial.
8. Rezoning Lot 68 Duncan Rd from Public Purposes ‘Use or Benefit of the Aboriginals Inhabitants’ to Settlement.
9. Rezoning Lot 192 Darcy St from Public Purposes—Church Site to Mixed Use.
10. Rezoning 103 and 124 Roberta Ave from Residential R50 to Public Purposes ‘Church Site’.
11. Rezoning Lot 233 Thomas St from Public Purposes—Native Hostel Site to Public Purposes ‘School Site’.
12. Rezoning Lot 794 Great Northern Hwy from Special Site—Motel to Tourism.
13. Rezoning portion Mount Amhurst Rd / Roberta Ave to from Rural/Pastoral to No Zone.
14. In clause 1.4 delete—
 - (c) Policy Map
 - (d) Land Use Maps

And after clause 1.4(b) insert—

The Scheme is to be read in conjunction with the Local Planning Strategy.

15. In clause 1.6 after item e insert—

- (f) to set out procedures for the assessment and determination of planning applications.
- (g) to make provision for the administration and enforcement of the Scheme.
- (h) to address other matters set out in the First Schedule of the Planning and Development Act.

16. Delete clauses 1.7.2 and 1.7.3 and after clauses 1.7.1 insert—

1.7.2 Unless the context otherwise requires, words and expressions used in the Scheme have the same meaning as they have—

- (a) in the Town Planning and Development Act; or
- (b) if they are not defined in that Act—
 - (i) in the Dictionary of defined words and expressions in Schedule 1; or,
 - (ii) in the Residential Design Codes.

1.7.3 If there is a conflict between the meaning of a word or expression in the Dictionary of defined words and expressions in Schedule 1 and the meaning of that word or expression in the Residential Design Codes—

- (a) in the case of a residential development, the definition in the Residential Design Codes prevails; and
- (b) in any other case the definition in the Dictionary prevails.

1.7.4 Notes, and instructions printed in italics, are not part of the Scheme.

1.8 RELATIONSHIP WITH LOCAL LAWS

Where a provision of the Scheme is inconsistent with a local law, the provision of the Scheme prevails.'

17. After clause 2.4 insert—

2.5 USE AND DEVELOPMENT OF SCHEME RESERVES

2.5.1 A person must not—

- (a) use a Reserve; or
- (b) commence or carry out development on a Reserve, without first having obtained planning approval under Part 9 of the Scheme.

2.5.2 In determining an application for planning approval the local government is to have due regard to—

- (a) the matters set out in clause 9.9; and
- (b) the ultimate purpose intended for the Reserve.

2.5.3 In the case of land reserved for the purposes of a public authority, the local government is to consult with that authority before determining an application for planning approval.'

18. In clause 3.2.1 replace—

Town Centre Zone
Residential Zone
Industrial Zone
Rural/Pastoral Zone
Special Rural Zone
Special Site Zone (as marked)'

With—

'Industrial Zone
Residential Zone
Mixed Use Zone
Residential Development Zone
Rural/Pastoral Zone
Settlement Zone
Special Rural Zone
Rural Residential Zone
Special Site Zone (as marked)
Tourist Zone
Town Centre Zone

19. In clause 3.2.2—

- Replace "AA" with "D".
- Replace 'Clause 9.3' with 'Clause 9.2'.
- After '...in accordance with Clause 9.2.' insert—
'X' means a use that is not permitted by the scheme

20. Replace Table 1—ZONING TABLE with—

Use Classes	Town Centre	Residential	Residential Development Zone	Mixed Use	Industrial	Rural / Pastoral	Special Rural	Rural Residential	Tourist Zone	Special Site	Settlement Zone
COMMERCIAL DEVELOPMENT										PREDOMINANT USES TO BE LIMITED TO THAT SPECIFICALLY MARKED IN THE SCHEME MAP	Land use permissibility to be determined with reference to the endorsed Layout Plan
Bed & Breakfast	D	SA	P/SA ¹	X	X	P/SA ¹	P/SA ¹	SA	P		
Car Park	D	D	D	D	P	D	D	X	SA		
Caravan park	X	X	X	SA	X	SA	X	X	D		
Park home park	X	X	X	SA	X	SA	X	X	D		
Convenience Store	P	SA	SA	D	X	SA	SA	X	SA		
Dry Cleaning Premises	D	X	X	D	P	X	X	X	X		
Fast food outlet	SA	X	SA	SA	X	X	X	X	X		
Funeral Parlor	SA	X	X	D	D	X	X	X	X		
Health Studio	D	X	SA	D	D	X	X	X	SA		
Home Business	D	SA	SA	D	X	D	D	D	X		
Home Occupation	D	P	P	P	X	P	P	D	X		
Hotel	D	X	X	X	X	X	X	X	P		
Lunch Bar	P	X	X	D	D	X	X	X	D		
Market	D	X	X	X	X	X	X	X	D		
Motel	D	X	X	X	X	X	X	X	P		
Motor vehicle wash station	SA	X	X	D	D	SA	X	X	X		
Motor vehicle, boat or caravan sales	D	X	X	P	D	X	X	X	X		
Night Club	D	X	X	X	X	X	X	X	SA		
Nursery	X	X	X	P	P	D	X	D	X		
Office	P	X	X	D	IP	IP	IP	IP	IP		
Reception Centre	D	X	X	SA	X	X	X	X	D		
Restaurant	P	X	SA	X	X	X	X	SA	P		
Service Station	D	X	X	D	P	X	X	X	X		
Shop	P	SA	SA	SA	D	X	X	X	SA		
Showroom	D	X	X	P	P	X	X	X	X		
Tavern	D	X	X	X	X	X	X	X	D		
Warehouse	X	X	X	P	P	X	X	X	X		
Winery	X	X	X	X	X	SA	X	SA	X		
RESIDENTIAL DEVELOPMENT											
Ancillary accommodation	D	D	D	X	X	X	X	D	D		
Caretaker's dwelling	D	X	X	IP	IP	IP	X	X	D		
Grouped dwelling	D	D	D	SA	X	D	X	X	IP		
Multiple dwelling	D	D	D	SA	X	X	X	X	D		
Short Stay Accommodation	D	SA	X	SA	X	X	X	SA	D		
Residential building	D	SA	SA	SA	X	X	X	P	IP		
Single house	D	P	P	X	X	P	P	P	X		
Transient workers accommodation	X	X	X	SA	SA	IP	X	SA	D		
COMMUNITY DEVELOPMENT											
Civic use	P	X	SA	SA	X	X	X	X	X		
Club premises	D	X	X	SA	X	SA	X	X	D		
Community service depot	D	X	X	P	D	X	X	SA	X		
Consulting rooms	P	X	X	X	X	D	X	X	X		

Use Classes	Town Centre	Residential	Residential Development Zone	Mixed Use	Industrial	Rural / Pastoral	Special Rural	Rural Residential	Tourist Zone	Special Site	Settlement Zone	
COMMUNITY DEVELOPMENT—continued											PREDOMINANT USES TO BE LIMITED TO THAT SPECIFICALLY MARKED IN THE SCHEME MAP	Land use permissibility to be determined with reference to the endorsed Layout Plan
Corrective institution	SA	X	X	SA	D	SA	SA	X	X			
Day care centre	D	SA	SA	SA	X	SA	X	X	X			
Detention centre	SA	X	X	X	D	X	X	X	X			
Educational establishment	D	D	SA	D	X	D	X	X	X			
Family day care	D	SA	SA	SA	X	SA	X	X	X			
Hospital	D	D	D	X	X	X	X	X	X			
Kindergarten	D	SA	SA	X	X	X	X	X	X			
Medical centre	D	SA	SA	SA	X	X	X	X	X			
Place of worship	P	SA	SA	D	X	X	X	SA	X			
Public utility	SA	SA	P	D	P	P	P	P	SA			
Radio & TV installation	SA	X	SA	D	D	X	X	X	X			
Veterinary centre	SA	X	X	D	D	X	X	SA	X			
INDUSTRIAL DEVELOPMENT												
Fuel Depot	X	X	X	X	P	X	X	X	X			
Industry—cottage	D	SA	D	D	D	D	SA	SA	X			
Industry—extractive	X	X	X	X	SA	SA	X	X	X			
Industry—general	X	X	X	X	P	SA	X	X	X			
Industry—hazardous	X	X	X	X	SA	X	X	X	X			
Industry—light	X	X	X	SA	P	SA	X	X	X			
Industry—mining	X	X	X	X	X	D	X	X	X			
Industry—rural	X	X	X	X	D	D	X	SA	X			
Industry—service	SA	X	X	P	P	X	SA	X	X			
Motor vehicle repair	SA	X	X	SA	P	X	X	X	X			
Motor vehicle wrecking	X	X	X	X	D	X	X	X	X			
Salvage yard	X	X	X	X	P	SA	X	X	X			
Transport depot	X	X	X	X	P	SA	X	X	X			
RECREATION DEVELOPMENTX												
Equestrian centre	X	X	X	X	X	D	X	SA	X			
Private recreation	D	X	X	X	X	D	SA	SA	SA			
Public amusement	D	X	X	SA	X	X	X	X	SA			
Public recreation	P	P	P	P	P	P	P	P	P			
RURAL DEVELOPMENT												
Rural pursuit	X	X	X	X	X	P	P	P	X			
Stables	X	X	X	X	X	P	SA	X	X			
Animal establishment	X	X	X	X	X	D	X	X	X			
Animal husbandry	X	X	X	X	X	SA	X	X	X			

¹ 'P' where up to one bedroom is made available for accommodation otherwise 'SA'.

21. Delete clause 3.2.3 and renumber clause 3.2.4 and 3.2.5 as 3.2.3 and 3.2.4 respectively.

22. In clause 3.2.4 (b) replace 'Clause 8.2' with 'Clause 9.2'.

23. In clause 3.4. replace clause 3.4.1 with—

3.4.1 Power To Make Policies

In order to achieve the objective of the Scheme, the Council may make Town Planning Scheme Policies relating to parts or all of the Scheme Area and relating to one or more of the aspects of the control of development.

24. In clause 5.1.2 delete items f and g and insert—

- (f) the erection on a lot of a single house, including the ancillary outbuildings and swimming pools, in a zone where the proposed use is designated with the symbol 'P' in

the cross reference to that zone in the zoning table, except where the proposal requires the exercise of a discretion by the local government under the Scheme to vary the provisions of the Residential Design Codes;

- (g) the erection of an outbuilding of an area less than 60 square metres in the Residential or Residential Development Zones only.’
25. After clause 5.3 and before ‘If a development’ insert a new clause number ‘5.3.1’; and at the end of clause 5.3.1 insert a new clause as follows—
- 5.3.2 In considering an application for planning approval under clause 5.3.1, where, in the opinion of the local government, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the variation, the local government may—
- consult the affected parties by following one or more of the provisions for advertising uses under clause 9.2; and
 - have regard to any expressed views prior to making its determination to grant the variation.
26. In clause 5.4: replace the heading with—
- RESIDENTIAL DEVELOPMENT: RESIDENTIAL DESIGN CODES’**
27. Replace clause 5.4.1 with—
- For the purpose of the Scheme ‘Residential Design Codes’ means the Residential Design Codes set out in State Planning Policy 3.1—Residential Design Codes, together with any amendments thereto.
28. In clause 5.4.2, replace ‘Planning’ with ‘Design’.
29. In clause 5.4.3 replace ‘Planning’ with ‘Design’.
30. In clause 5.4.4 replace ‘Planning’ with ‘Design’.
31. Delete clauses 5.6.2 and 5.6.3.
32. In clause 5.7.3 after ‘...loading docks’ insert: ‘, stormwater drainage’.
33. In clause 5.7.5 after ‘...the R 50 Code’ insert ‘of the Residential Design Codes’.
34. Delete clause 5.8.2 and insert—

‘5.8.2 Development Standards

Development and site requirements shall be in accordance the following—

- (a) the provisions contained in Table 2;

TABLE 2—INDUSTRIAL ZONE

Zone	Min. Lot Area	Effective Frontage	Building Setbacks		Maximum Site Coverage
			Front	Rear	
Industry	2000m ²	15m	9m	7.5m	75%

- (b) Side setbacks shall—

- be a minimum of 5 metres on any one side to permit access to the rear of the lot; and
- on any other side, a minimum of 1.2 metres on any other side; or depending upon the building height and materials as prescribed in the Building Code of Australia; or zero in the case of a parapet wall with a satisfactory fire rating in accordance with the Building Code of Australia.

- (c) Factory Unit Development

The development of factory tenement buildings, for the purpose of providing multiple factory units in one lot, shall not be permitted unless the following requirements are complied with—

- no factory unit shall have a floor area of less than 100m².
- each factory unit shall have a service yard appurtenant to it which shall be a minimum of 50 % of the unit floor area.
- access to the office attached to the factory unit and the major access to the unit.
- off street parking may be provided as an overall area on site and shall provide for all employees with a minimum staff parking requirement of four bays per unit. Customer parking shall be provided as an additional figure of one bay per unit.
- all facades to be of masonry construction or other material approved by Council.

35. Replace Clause 5.8.5 with “No dumping, storage of waste or materials, or construction, servicing or maintenance shall be carried out between the building line and the street frontage unless approved by Council. This does not prohibit the display of finished goods or goods for sale or ready for delivery.”
36. In clause 5.8.8 replace ‘the Department of Transport and Communication’ with ‘the Civil Aviation Safety Authority’

37. In Clause 5.9, after ‘...from the quiet living environment.’ In the same paragraph Insert—
Due to the location of this zone within a water supply area, land uses that generate greater volumes of waste than residential land uses are discouraged.’

38. After clause 5.13 insert—

5.14 TOURIST ZONE

5.14.1 Objective

- (a) To encourage tourist accommodation and activity in areas adjacent to attractive natural and man-made features.
- (b) To encourage tourist uses on land adjacent to the existing town centre and forming the approach to the town centre of Halls Creek.
- (c) To encourage a high standard of aesthetic quality, landscaping and presentation.

5.14.2 Development Requirements

- (a) Development in the zone is to be consistent with an Outline Development Plan endorsed by Council;
- (b) Council may approve the use of a tourist site in the Tourist Zone for permanent residential purposes to a maximum of 35% of the number of units, rooms or caravans/cabins approved for the site;
- (c) The Outline Development Plan shall include a Landscaping Strategy.

5.15 MIXED USE ZONE

5.15.1 Objectives

- (a) to provide for a mix of land uses including showroom, service trade centres, commercial (excluding a shop), some residential, and some light and service industries.
- (b) to achieve and maintain a high standard of presentation to all streets, and particularly to Duncan Highway.
- (c) to ensure light industrial uses are located so as to avoid land use conflicts with other adjoining uses.
- (d) to permit the establishment of a caretakers dwelling if such dwelling is considered necessary by Council for operational and security purposes of the business already established on-site.

5.15.2 Delete clause 5.15.2 (Residential Use in the Mixed Zone).

5.15.3 Development Standards

- (a) Development and site requirements shall be in accordance with the following provisions.

TABLE 3—MIXED USE ZONE

Zone	Min. Lot Area	Effective Frontage	Building Setbacks		Maximum Site Coverage
			Front	Rear	
Mixed Use	2000m ²	15m	9m	7.5m	75%

- (b) Side setbacks shall—
 - (i) be a minimum of 5 metres on any one side to permit access to the rear of the lot; and
 - (ii) on any other side, a minimum of 1.2 metres on any other side; or depending upon the building height and materials as prescribed in the Building Code of Australia; or zero in the case of a parapet wall with a satisfactory fire rating in accordance with the Building Code of Australia.
- (c) Minimum building setbacks shall be—
 - (i) in accordance with R Code R20 for residential development.
 - (ii) for non-residential development the front setback shall be 9 metres; and
 - (iii) the rear and side setbacks shall be as determined by the Council in accordance with the Building Code of Australia.
- (d) Development shall not exceed 2 storeys in height except where the Council considers that particular circumstances may warrant an exception being made and provided the Council's objectives are not compromised.
- (e) In considering an application for planning approval for a proposed development (including additions and alterations to existing development) the Council shall have regard to the provisions of the Scheme and the following—
 - (i) building size, height, bulk, roof pitch;
 - (ii) setback and location of the building on its lot;
 - (iii) function of the building;
 - (iv) relationship to surrounding development; and
 - (v) other characteristics considered by the Council to be relevant.

5.15.5 Landscape Treatment

Where a building is approved upon a lot and is set back from the front boundary of that lot Council shall require the provision of landscape treatment between the frontage of any building and the front boundary. Such landscape treatment may include a car parking area. Implementation of an approved landscaped plan shall occur within six calendar months of—

- (a) the completion of any other approved works; or
- (b) the date of occupancy, if occupancy commences prior to the completion of the development.

5.16 SETTLEMENT ZONE

5.16.1 Objective

The Objective of the zone is to identify existing and proposed Aboriginal settlements and to collaboratively plan for the orderly and proper development of those places in accordance with State Planning Policy No. 3.2—Aboriginal Settlements by—

- (a) Requiring preparation and endorsement of a Layout Plan
- (b) Ensuring that development accords with the Layout Plan
- (c) In the event that an approved Layout Plan has not been prepared in accordance with State Planning Policy No. 3.2—Aboriginal Settlements, assessment and consideration is to be carried out based upon the objectives and intentions of this scheme.

5.17 Rural Residential Zone

5.17.1 Objective

The Council's objectives for this zone are;

- (a) To provide for residential use in a rural environment.
- (b) To provide for lot sizes in the range of 1ha to 4ha.
- (c) To provide opportunities for a range of limited rural and cultural pursuits, on rural residential lots where those activities will be consistent with the amenity of the locality and landscape attributes of the land; and
- (e) Ensure the siting and scale of dwellings and structures minimises the visual impact to adjoining properties and the surrounding area.

5.18 RESTRICTIVE COVENANTS

5.18.1 Subject to clause 5.17.2, a restrictive covenant affecting any land in the Scheme area by which, or the effect of which is that, the number of residential dwellings which may be constructed on the land is limited or restricted to less than that permitted by the Scheme, is hereby extinguished or varied to the extent that it is inconsistent with the provisions of the Residential Planning Codes which apply under the Scheme.

5.18.2 Where clause 5.17.1 operates to extinguish or vary a restrictive covenant the local government is not to grant planning approval to the development of the land which would, but for the operation of clause 5.17.1 have been prohibited, unless the application has been dealt with as an 'D' use and has complied with all of the advertising requirements of Clause 9.2.

5.19 SPECIAL CONTROL AREAS

5.19.1 The following special control areas are shown on the Scheme Maps.

- Water Protection Areas

5.19.2 In respect of a special control area shown on a Scheme Map, the provisions applying to the special control area apply in addition to the provisions applying to any underlying zone or reserve and any general provisions of the Scheme.

5.19.3 Proposals for development within the Water Protection Areas will be referred to the Department of Water for consideration prior to determination by the Council.

- 39. In Clause 7.7, after '...provision of' insert 'and maintenance of'.
- 40. In clause 8.1.2 replace 'Additional Information Sheet in the form set out at Appendix 5' with 'planning application form as set out in Appendix 5'.
- 41. Reinstate clause 8.4 and Table 3.
- 42. In clause 8.5 replace 'Clause 8.4' with 'Clause 8.2'.
- 43. Replace clause 9.1.1 with '9.1.1 Every application for Planning Consent shall be made in the form prescribed in Appendix 5 to the Scheme or other such form that Council may adopt from time to time and shall be accompanied by such plans and other information as is required by the Scheme.'
- 44. In clause 9.1.2(b) after item (vii) insert: '(viii) the location and design of all mechanisms of stormwater disposal and dispersal.'
- 45. In clause 9.1.2(c) after '...the application to be determined' insert ', including an adequate description of the development, land use and processes to enable proper consideration of the application by Council'.
- 46. In clause 9.2.2 replace 'AA' with 'D'.
- 47. In clause 9.2.4 replace 'Appendix 7' with 'Appendix 6'.

48. In clause 9.3.3 replace 'Appendix 8 to the scheme' with 'Appendix 7 to the Scheme with such modifications as circumstances require.
49. After clause 9.3.4 insert: '9.3.5 Where the local government refuses an application for planning approval the local government is to give reasons for its refusal.'
50. After clause 9.4 insert—
 - '9.5 AMENDING OR REVOKING A PLANNING APPROVAL The local government may, on written application from the owner of land in respect of which planning approval has been granted, revoke or amend the planning approval, prior to the commencement of the use or development subject of the planning approval.
 - 9.6 UNAUTHORISED EXISTING DEVELOPMENTS
 - 9.6.1. The local government may grant planning approval to a use or development already commenced or carried out regardless of when it was commenced or carried out, if the development conforms to the provisions of the Scheme.
 - 9.6.2. Development which was unlawfully commenced is not rendered lawful by the occurrence of any subsequent event except the granting of planning approval, and the continuation of the development unlawfully commenced is taken to be lawful upon the grant of planning approval.
 - 9.7 SCOPE OF PLANNING APPROVAL
Planning approval may be granted—
 - (a) for the use or development for which the approval is sought;
 - (b) for that use or development, except for a specified part or aspect of that use or development; or
 - (c) for a specified part or aspect of that use or development.
 - 9.8 APPROVAL SUBJECT TO LATER APPROVAL OF DETAILS
 - 9.8.1 Where an application is for a development that includes the carrying out of any building or works, the local government may grant approval subject to matters requiring the subsequent planning approval of the local government. These matters may include the siting, design, external appearance of the buildings, means of access, landscaping, and such other matters as the local government thinks fit.
 - 9.8.2 In respect of an approval requiring subsequent planning approval, the local government may require such further details as it thinks fit prior to considering the application.
 - 9.8.3 Where the local government has granted approval subject to matters requiring the later planning approval of the local government, an application for approval of those matters must be made not later than 2 years after the date of the determination of the first approval, or such other period as is specified in the approval.
 - 9.9 MATTERS TO BE CONSIDERED BY LOCAL GOVERNMENT
The local government in considering an application for planning approval is to have due regard to such of the following matters as are in the opinion of the local government relevant to the use or development the subject of the application—
 - (a) the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;
 - (b) any approved statement of planning policy of the Commission;
 - (c) any approved environmental protection policy under the *Environmental Protection Act 1986*;
 - (d) any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State;
 - (e) any Local Planning Policy adopted by the local government under clause 3.4, any heritage policy statement for a designated heritage area adopted under clause 7.2.2, and any other plan or guideline adopted by the local government under the Scheme;
 - (f) in the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;
 - (g) the conservation of any place that has been entered in the Register within the meaning of the *Heritage of Western Australia Act 1990*, or which is included in the Heritage List under clause 7.1, and the effect of the proposal on the character or appearance of a heritage area;
 - (h) the compatibility of a use or development with its setting;
 - (i) any social issues that have an effect on the amenity of the locality;
 - (j) the cultural significance of any place or area affected by the development;
 - (k) the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;
 - (l) whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk;

- (m) the preservation of the amenity of the locality;
- (n) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;
- (o) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;
- (p) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- (q) whether public transport services are necessary and, if so, whether they are available and adequate for the proposal;
- (r) whether public utility services are available and adequate for the proposal;
- (s) whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
- (t) whether adequate provision has been made for access by disabled persons;
- (u) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
- (v) whether the proposal is likely to cause soil erosion or land degradation;
- (w) the potential loss of any community service or benefit resulting from the planning approval;
- (x) any relevant submissions received on the application and the comments or submissions received from any authority consulted under clause 9.2;
- (y) the conservation of any place or site that has been entered in the Register within the meaning of the *Aboriginal Heritage Act of Western Australia Act 1972*, or the conservation of any place or site that is known to have any local or state significance, and consideration of any place or site that is suspected of having local or state significance, and the effect of the proposal on the character or significance of a heritage area;
- (z) any other planning consideration the local government considers relevant.'

51. Delete clauses 10.3, 10.4 and 10.5 and insert—

10.3 NOTICES

10.3.1 Sixty (60) days written notice is hereby prescribed as the notice to be given pursuant to Section 214(b) of the Act.

10.3.2 The Council may recover expenses under Section 215(2) of the Act in a court of competent jurisdiction.

10.4 CLAIMS FOR COMPENSATION

Except where otherwise provided in the Scheme or the Act, the time limit for the making of claims for compensation pursuant to Section 178(b) of the Act is twelve (12) months after the date of publication of the Scheme in the *Government Gazette*.'

10.5 APPEALS

An applicant aggrieved by a decision of the Council in respect of the exercise of a discretionary power under the Scheme may appeal in accordance with Part 14 of the Act and the rules and regulations made pursuant to the Act.

10.6 POWERS OF THE LOCAL GOVERNMENT

10.6.1 The local government in implementing the Scheme has the power to—

- (a) enter into an agreement with any owner, occupier or other person having an interest in land affected by the provisions of the Scheme in respect of any matter pertaining to the Scheme;
- (b) acquire any land or buildings within the Scheme area under the provisions of the Scheme or the Town Planning Act; and
- (c) deal with or dispose of any land which it has acquired under the provisions of the Scheme or the Town Planning Act in accordance with the law and for such purpose may make such agreements with other owners as it considers fit.

10.6.2. An employee of the local government authorised by the local government may, at all reasonable times and with such assistance as may be required, enter any building or land for the purpose of ascertaining whether the provisions of the Scheme are being observed.

10.7 DELEGATION OF FUNCTIONS

10.7.1 The local government may, in writing and either generally or as otherwise provided by the instrument of delegation, delegate to a committee or the CEO, within the meaning of those expressions under the *Local Government Act 1995*, the exercise of any of its powers or the discharge of any of its duties under the Scheme, other than this power of delegation.

- 10.7.2 The CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under clause 10.7.1.
- 10.7.3 The exercise of the power of delegation under clause 10.7.1 requires a decision of an absolute majority as if the power had been exercised under the *Local Government Act 1995*.
- 10.7.4 Sections 5.45 and 5.46 of the *Local Government Act 1995* and the regulations referred to in section 5.46 apply to a delegation made under this clause as if the delegation were a delegation under Division 4 of Part 5 of that Act.
52. Renumber Clauses in Part 5 as follows—
- (a)
- 5.7 Town Centre Zone
 - 5.8 Mixed Use Zone
 - 5.9 Industrial Zone
 - 5.10 Rural Residential Zone
 - 5.11 Special Rural Zone
 - 5.12 Rural/Pastoral Zone
 - 5.13 Tourist Zone
 - 5.14 Settlement Zone
 - 5.15 Special Site Zone
 - 5.16 Residential Development Zone
 - 5.17 Structure Plan Preparation and Adoption
 - 5.18 Restrictive Covenants
 - 5.19 Special Control Areas
- (b) Renumber sub-clauses and any references elsewhere in the Scheme text accordingly.
53. Delete Appendix 1 and insert—

APPENDIX 1—Interpretations

Division 1—General definitions used in Scheme

Building Envelope means an area of land within a lot marked on a plan approved by the responsible authority within which all buildings and effluent disposal facilities on the lot must be contained.

Floor Area has the same meaning as in the *Building Code of Australia 1996* published by the Australian Building Codes Board

Frontage when used in relation to a building that is used for—

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

Incidental Use means the use of premises which is ancillary and subordinate to the predominant use.

Net Lettable Area means the area of all floors within the internal finished surfaces of permanent walls but excludes the following areas—

- (a) All stairs, toilets cleaners, cupboards, lift shafts and motor rooms, escalators, tea rooms, plant rooms and other service areas.
- (b) Lobbies between lifts facing other lifts servicing the same floor.
- (c) Areas set aside for the provision of facilities or services to the floor or buildings, and
- (d) Areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building.

Non-Conforming Use has the same meaning as it has in section 12(2)(a) of the Planning and Development Act.

Plot Ratio in the case of residential dwellings has the same meaning as in the Residential Design Codes.

Wholesale means the sale of any goods to any person or persons other than the ultimate consumer of those goods by a person or his trustee, registered as a 'wholesale merchant for Sales Tax purposes under the provisions of the *Sales Tax Assessment Act No. 1 1930* (as amended).

Division 2—Land use terms used in Scheme

Animal Establishment means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include Animal Husbandry—Intensive or Veterinary Centre.

Animal Husbandry—Intensive means premises used for keeping, rearing or fattening of pigs, Poultry (for either egg or meat production), rabbits (for either meat or fur production) and other livestock in feedlots, sheds and rotational pens.

Aquaculture means the farming of aquatic organisms, including fish, molluscs, crustaceans and aquatic plants. It includes the breeding, hatching rearing and cultivation for sale of all aquatic organisms.

Bed and Breakfast means a dwelling—

- (a) used by a resident of the dwelling to provide short-term accommodation, including breakfast, on a commercial basis for not more than 4 adult persons or one family; and
- (b) containing not more than 2 guest bedrooms and one guest bathroom.

Betting Agency means an office or totalisator agency established under the *Racing and Wagering Western Australia Act 2003*.

Camp means any portable shed or hut, tent, tent fly, awning, blind or other portable thing used as or capable of being used for habitation and includes a vehicle of a prescribed type or in prescribed circumstances;

Camping Ground means an area of land on which camps, but not caravans, are situated for habitation but does not include any land prescribed for the purposes of this definition;

Caravan means a vehicle that is fitted or designed for habitation, and unless the contrary intention appears, includes an annexe;

Caravan Park has the same meaning as in the *Caravan Parks and Camping Grounds Act 1995*. As above.

Caretakers Dwelling means a dwelling on the same site as a building, operation, or plant, and occupied by a supervisor of that building, operation or plant.

Car Park means premises used primarily for parking vehicles whether open to the public or not but does not include—

- (a) any part of a public road used for parking or for a taxi rank, or
- (b) any premises in which cars are displayed for sale.

Civic Building means a building designed, used or intended to be used by a Government Department, an instrumentality of the Crown, or the Council as offices for administrative, recreational or other like purpose.

Civic Use means premises used by a government department, an instrumentality of the State or the local government for administrative, recreational or other purposes

Club premises means premises used by a legally constituted club or association or other body of persons united by a common interest

Commission means the Western Australian Planning Commission.

Consulting Rooms means premises used by no more than 2 health consultants for the investigation or treatment of human injuries or ailments and for general outpatient care.

Convenience Store means premises—

- (a) Used for retail sale of convenience goods commonly sold supermarkets, delicatessens or newsagent, or the retail sale of petrol and those convenience goods;
- (b) Operated during hours which include, by may extend beyond, normal trading hours;
- (c) Which provide associated parking; and
- (d) The floor area of which does not exceed 300 square metres net lettable area.

Corrective Institution means premises used to hold and reform persons committed to it by a court, such as a prison or other type of detention facility.

Day Care Centre means land and buildings used for the daily or occasional care of children in accordance with the *Child Welfare (Care Centres) Regulations 1968* (as amended).

Detention Centre means land or buildings used for the confinement or detention in custody of young offenders against the law with a view to their rehabilitation.

Display Home Centre means a group of two or more dwellings which are intended to be open for public inspection.

Dry cleaning Premises means land and buildings used for the cleaning of garments and other fabrics by chemical processes

Educational Establishment means premises used for the purposes of education and includes a school, tertiary institution, business college, academy or other educational centre.

Equestrian Centre means land and buildings used for the stabling and exercise of horses and includes facilities for events of a competitive nature.

Exhibition Centre means premises used for the display, or display and sale, of materials of an artistic, cultural, scientific, environmental or historical nature, and includes a museum or art gallery.

Factory Unit Building means an industrial building designed used or adapted for use as two or more separately occupied production or storage areas.

Family Day Care means premises where a family day care service as defined in the *Education and Care Services Nation Law (Western Australia)* is provided.

Fast Food Outlet means premises used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises, but does not include a lunch bar.

Fish Shop means a building where wet fish and similar foods are displayed and offered for sale.

Fuel Depot means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel but does not include premises used as—

- (a) a service station or;
- (b) for the sale of fuel by retail into a vehicle for use by the vehicle.

Funeral Parlour means premises used to prepare and store bodies for burial or cremation.

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.

Home Business means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or occupation that—

- (a) does not involve employing more than 2 people who are not members of the occupier's household; and
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 50m²; and
- (d) does not involve the retail sale, display or hire of goods; and
- (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
- (f) does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and
- (g) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located.

Home Occupation means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out an occupation if the carrying out of the occupation that—

- (a) does not involve employing a person who is not a member of the occupier's household; and;
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 20m²; and
- (d) does not involve the display on the premises of a sign with an area exceeding 0.2m²; and
- (e) does not involve the retail sale, display or hire of any goods; and
- (f) does not—
 - (i) require a greater number of parking spaces than normally required for a single dwelling; or
 - (ii) result in an increase in traffic volume in the neighbourhood; and
- (g) does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight; and
- (h) does not include provision for the fuelling, repair or maintenance of motor vehicles; and
- (i) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located.

Hospital means premises in used as a hospital as defined in the *Hospitals and Health Services Act 1927* section 2(1);

Hotel means premises providing accommodation the subject of a hotel license under the *Liquor Licensing Act 1988*, and may include a betting agency on those premises, but does not include a tavern or motel

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

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

Industry—Cottage means premises, other than premises used for a home occupation, that are used by the occupier of the premises for the purpose of carrying out a trade or light industry producing arts and crafts goods if the carrying out of the trade or light industry—

- (a) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (b) if the premises is located in a residential zone—does not employ any person other than a member of the occupier's household; and
- (c) is compatible with the principal uses to which land in the zone in which the premises is located may be put; and
- (d) does not occupy an area in excess of 50m²; and
- (e) does not involve the display on the premises of a sign with an area exceeding 0.2m² in area.

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

Industry—General means premises used for an industry not specified as a separate category of land use;

Industry—Light means premises used for an industry if the carrying on of the industry that—

- (a) does not cause any injury to or adversely affect the amenity of the locality; and
- (b) does not require the supply or provision of essential services that would impose an undue load on any existing or proposed essential services in the area in which the premises is located.

Industry—Mining means land used commercially to extract minerals from the land.

Industry—Noxious means an industry in which the processes involved constitute an offensive trade within the meaning of the *Health Act 1911-1979* (as amended), but does not include a fish shop, dry cleaning premises, marine collectors yard, Laundromat, piggery or poultry farm.

Industry—Rural means premises used—

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

Industry—Service means premises with a retail shop front—

- (a) from which goods manufactured on the premises are sold; or
- (b) used as a depot for receiving goods to be serviced.

Kindergarten means land and buildings used as a school for developing the intelligence of young children by object-lessons, toys, games, singing and similar methods.

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

Liquor Store means a building the subject of a Store Licence granted under the provisions of the *Liquor Act 1970* (as amended).

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 300m²;

Local Planning Strategy Is the strategic plan for land use and development for the future of the Shire. It is endorsed by the commission under regulation 12b of the *Town Planning Regulations 1967* and is amended on occasion.

Lunch Bar means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas. AMD 16 GG 2/2/10

Market means premises used for the display and sale of goods from stalls by independent vendors

Medical Centre means premises other than a hospital used by 3 or more health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care;

Milk Depot means land and buildings to which milk is delivered for distribution to consumers but in which milk is not processed or pasteurised.

Motel means premises used to accommodate patrons in a manner similar to a hotel but in which specific provision is made for the accommodation of patrons with motor vehicles and may comprise premises licensed under the *Liquor Licensing Act 1988*.

Motor vehicle, boat or caravan sales means premises used to sell or hire motor vehicles, boats or caravans

Motor vehicle repair means premises used for or in connection with—

- (a) electrical and mechanical repairs, or overhauls, to vehicles; 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 means premises where the primary use is the washing of motor vehicles.

Motor Vehicle Wrecking Premises means land and buildings used for the storage, breaking up or dismantling of motor vehicles and includes the sale of second-hand motor vehicle accessories and spare parts.

Museum means land and buildings used for storing and exhibiting objects illustrative of antiquities, natural history, art, nature and curiosities.

Night Club means premises the subject of a nightclub licence granted under the *Liquor Control Act 1988*;

Nursery means land and buildings used for the propagation, rearing and sale of products associated with horticultural and garden décor.

Office means premises used for administration, clerical, technical, professional or other like business activities.

Park Home [Caravan and Camping Act Definition]. means a vehicle of a prescribed class or description that is fitted or designed for habitation. Note: A caravan in respect of which a vehicle licence is not required under section 15 of the *Road Traffic Act 1974*, because it could not be drawn by another vehicle on a road due to its size, is a vehicle of a prescribed class or description for the purposes of the definition of “park home” in section 5(1) of the Act.

Park Home Park has the same meaning as in the *Caravan Parks and Camping Grounds Regulations 1997*.

Potable Water means water in which levels of physical, chemical and bacteriological constituents do not exceed the maximum permissible levels set out in ‘*International Standards for Drinking Water-Third Edition, World Health Organisation—1971*’.

Private Hotel means land and buildings used for residential purposes the subject of a Limited Hotel Licence granted under the provisions of the *Liquor Act 1970* (as amended).

Private Recreation means land used for parks, gardens, playgrounds, sports arenas, or other grounds for recreation which are not normally open to the public without charge.

Produce Store means land and buildings wherein fertilisers and grain are displayed and offered for sale

Professional Office means a building used for the purposes of his profession by an accountant, architect, artist, author, barrister, chiropodist, consular official, dentist, doctor, engineer, masseur, nurse, physiotherapist, quantity surveyor, solicitor, surveyor, teacher (other than a dancing teacher or a music teacher), town planner, or value, or a person having an occupation of a similar nature, and Professional Person has a corresponding interpretation.

Public Recreation 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

Public Utility means any work or undertaking constructed or maintained by a public authority or the Council as may be required to provide water, sewerage, electricity, gas, drainage, communications or other similar services.

Place of Worship means premises used for religious activities such as a church, chapel, mosque, synagogue or temple.

Radio & TV Installation means land and buildings used for the transmission, relay and reception of signals and pictures, both commercial and domestic, but does not include domestic radio and television receivers.

Reception Centre means premises used for hosted functions on formal or ceremonial occasions;

Recreation—private means premises that are—

- (a) Used for indoor or outdoor leisure, recreation or sport; and
- (b) Not usually open to the public without charge;

Refuge/Safe House means a building or buildings which are used for the purpose of providing emergency accommodation for people affected by domestic violence.

Rehabilitation Centre means a building used and designed for use wholly and principally for the purpose of rehabilitation and includes a sobering up shelter.

Restaurant means premises where the predominant use is the sale and consumption of food and drinks on the premises and where seating is provided for patrons, and includes a restaurant licensed under the *Liquor Licensing Act 1988*.

Retirement Village means any land or buildings used to accommodate retirees together with ancillary facilities.

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

- (a) publications that are classified as restricted under the *Classification (Publications, Films and Computer Games) Act 1995 (Commonwealth)*; and
- (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity.

Rural Pursuit means any premises used for—

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

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

Service Station means premises used for—

- (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental/convenience retail nature; and

- (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles, but does not include premises used for a transport depot, panel beating, spray painting, major repairs or wrecking;
- Shop* means premises used to sell goods by retail, hire goods, or provide services of a personal nature (including a hairdresser or beauty therapist) but does not include a showroom or fast food outlet.
- Short Stay Accommodation* means premises providing temporary accommodation, either continuously or from time to time with no guest accommodated for periods totalling more than 3 months in any 12 month period—
- Showroom* means premises used to display, sell by wholesale or retail, or hire, automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, furniture, household appliances, party supplies, swimming pools or goods of a bulky nature.
- Stables* means land and building used for the housing and keeping of horses.
- Storage* means premises used for the storage of goods, equipment, plant or materials.
- Tavern* means premises licensed as a tavern under the *Liquor Licensing Act 1988* and used to sell liquor for consumption on the premises.
- Telecommunications Infrastructure* means land used to accommodate any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use in or in connection with, a telecommunications network.
- Trade Display* means premises used for the display of trade goods and equipment for the purpose of advertisement.
- Transient Workers Accommodation* dwellings intended for the temporary accommodation of transient workers and may be designed to allow transition to another use or may be designed as a permanent facility for transient workers and includes a contractor's camp and dongas.
- Transport Depot* means land and buildings used for the garaging of motor vehicles used or intended to be used for carrying goods or persons for hire or reward or for any consideration, or for the transfer of goods or persons from one such motor vehicle to another of such motor vehicles and includes maintenance, management and repair of the vehicles used, but not of other vehicles.
- Transportable Home* means any structure designed for human habitation that is partly or wholly prefabricated at any place other than on the lot upon which it is to be erected.
- Veterinary centre* means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders.
- Warehouse* means premises used to store or display goods and may include sale by wholesale.
- Wayside Stall* means a building situated on private land which offers for sale to the general public produce or any commodity which is produced on the land upon which the buildings are located.
- Wine House* means land and buildings the subject of a Wine House Licence granted under the provisions of the *Liquor Act 1970* (as amended).
- Winery* means premises used for the production of viticultural produce and may include sale of the produce.
- Zone* means a portion of the Scheme area shown on the map by distinctive colouring, patterns, symbols, hatching or edging for the purpose of indicating the restrictions imposed by the Scheme on the use and development of land, but does not include a reserve or special control area.
- Zoological Gardens* means land and buildings for the keeping, breeding or display of fauna and the term includes Zoo but does not include kennels or keeping, breeding or showing of domestic pets.'

54. Delete Appendix 3 and insert—

APPENDIX 3—SPECIAL SITES SCHEDULE

Lot No	Location	Purpose
1	Great Northern Highway	Service Station/Road House
Undefined Lot	McDonald Street	Civic and Community Uses
427-428	Neighbor Street	Aged Persons Housing
429	Neighbor Street	Community Purposes

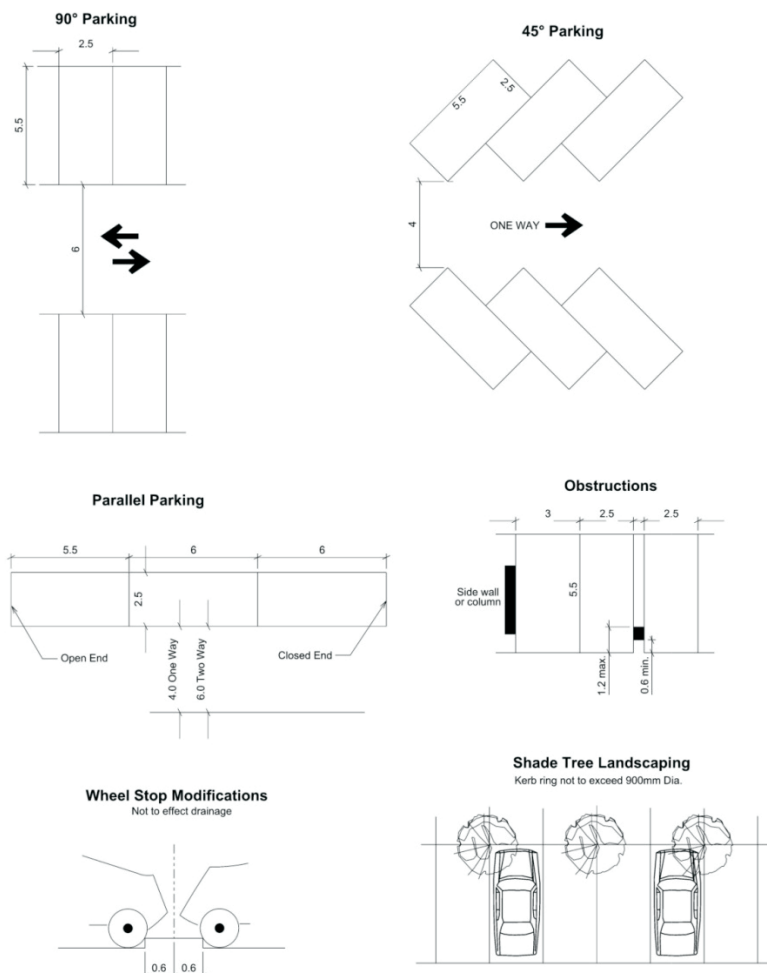
55. Delete Appendix 4 and insert—

APPENDIX 4—CAR PARKING REQUIREMENTS

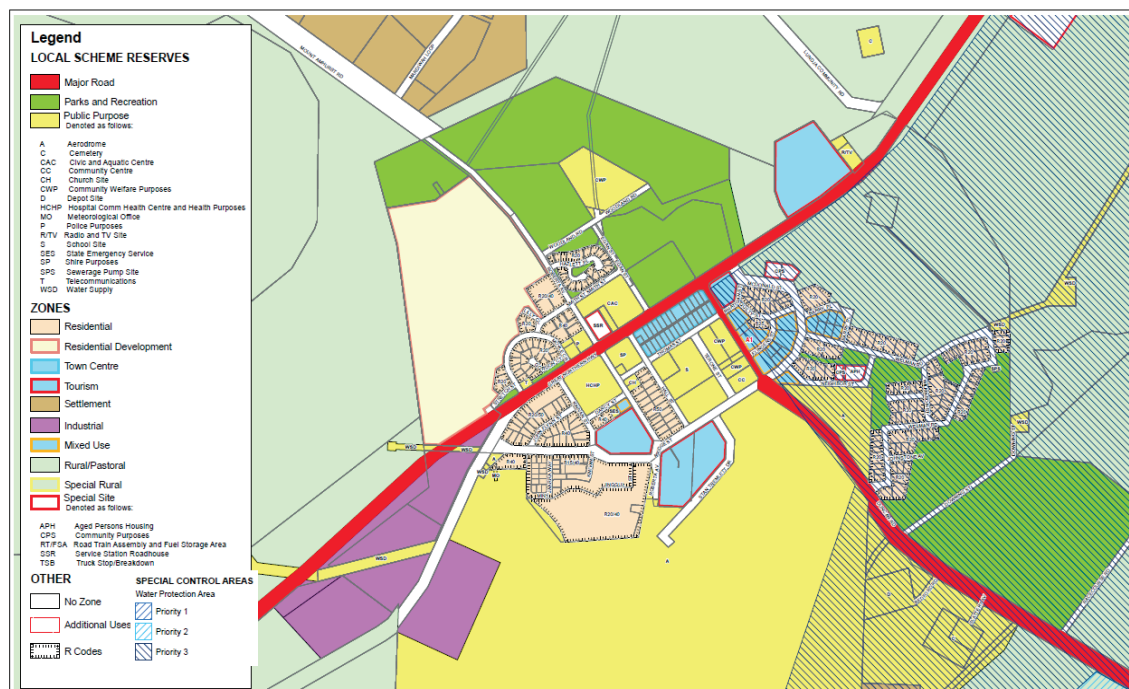
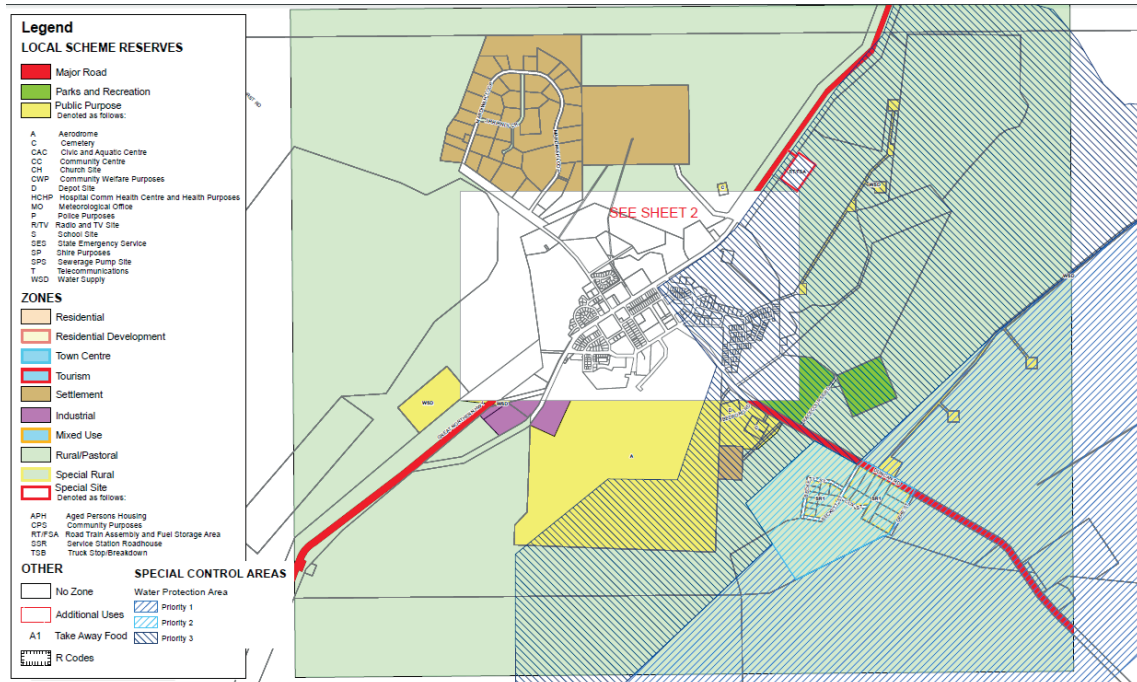
Use	Number of Car Parking Spaces
Single house/Grouped dwelling/Multiple dwelling	As prescribed within the provisions of the Residential Planning Codes
Shop	1 for every 15 m ² floor area
Office	1 for every 40 m ² floor area

Use	Number of Car Parking Spaces
Warehouse/showroom	1 for every 100m ² floor area
Industry	1 for every 100 m ² floor area
Licensed hotel	1 for every bedroom & 1 for every 4m ² of public bar/lounge floor area
Motel	1 for every bedroom & 1 for every 25m ² gross floor area of service building
Tavern	1 for every 4 m ² public floor area
Residential building	1 for every bedroom & 1 for every staff member
Restaurant	1 for every 4 persons accommodated
Private club	1 for every 4 persons accommodated
Church	1 for every 4 persons accommodated
Hospital	1 for every 4 beds provided & 1 for every person employed
Medical centre	3 for every consulting room
Motor repair/station service station	2 for every working bay & 1 for each employee
Library/museum	1 for every 35.m ² floor area
Take-away food outlet	1 for every 10m ² floor area
T.A.B.	1 for every 10m ² floor area
Consulting rooms	4 per practitioner
Day care centre/family day care	1 per Staff member plus 1 per 4 patrons
Camping ground/caravan parks	1 per caravan site and 1 per 2 campsites, visitors—1 per 20 sites, min of 2
Educational establishment	1 car bay per staff member plus adequate pickup/set down areas on site

CAR PARKING LAYOUTS



56. Delete Appendix 5.
57. Renumber Appendix 6 as Appendix 5 and replace 'TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED)' with 'PLANNING AND DEVELOPMENT ACT 2005 (AS AMENDED)' and 'Shire Clerk' with 'Chief Executive Officer'.
58. Renumber Appendix 7 as Appendix 6 and *replace* 'TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED)' with 'PLANNING AND DEVELOPMENT ACT 2005 (AS AMENDED)' and 'Shire Clerk' with 'Chief Executive Officer'.
59. Renumber Appendix 8 as Appendix 7 and replace 'TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED)' with 'PLANNING AND DEVELOPMENT ACT 2005 (AS AMENDED)'.
60. Replace the Scheme Maps with the following—



61. Replace Clause 5.4.3 with the following—

5.4.3 In the event of there being any inconsistency between the Residential Design Codes identified by Clauses 5.4.1 and the Scheme, the Scheme shall prevail.

62. In Clause 5.4.63 delete 'a site has' where it appears the first time.
63. In Clause 9.4.1 delete 'for of the receipt by it of an application'.
64. In Clause 9.4.2 after 'Clause 9.2' insert 'or' referred an application to a referral agency.

M. EDWARDS, President.
R. KERR-NEWELL, Chief Executive Officer.

PREMIER AND CABINET

PR401*

INTERPRETATION ACT 1984 MINISTERIAL ACTING ARRANGEMENTS

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

Hon M. J. Davies MLA to act temporarily in the office of Minister for Regional Development; Lands; Minister Assisting the Minister for State Development in the absence of the Hon D. T. Redman MLA for the period 29 August to 5 September 2015 (both dates inclusive).

PETER CONRAN, Director General,
Department of the Premier and Cabinet.

REGIONAL DEVELOPMENT

RG401*

REGIONAL DEVELOPMENT COMMISSIONS ACT 1993 APPOINTMENTS

It is hereby notified for general information that the Minister for Regional Development has approved the following appointments in accordance with Part 3 of the *Regional Development Commissions Act 1993*.

SOUTH WEST DEVELOPMENT COMMISSION Board of Management

- Mr Stuart Hicks AO ministerial representative and Chairman for a two year term expiring 30 June 2017.
- Cr Wayne Sanford local government representative for a three year term expiring 30 June 2018.
- Cr Tania Jackson local government representative for a two year term expiring on 30 June 2017.
- Mr Ewald Valom community representative for a three year term expiring on 30 June 2018.

Hon TERRY REDMAN MLA, Minister for Regional Development.

TRAINING

TA401*

VOCATIONAL EDUCATION AND TRAINING ACT 1996 CLASSIFICATION OF PRESCRIBED VOCATIONAL EDUCATION AND TRAINING QUALIFICATIONS

Amendment to Western Australian *Government Gazette* 2009/225

Under the *Vocational Education and Training Act 1996* (the VET Act) section 60C, I, the Minister for Training and Workforce Development hereby—

- revoke the previously gazetted classification of prescribed vocational education and training qualification as listed below.

Class B qualification

No.	Qualification	Conditions	Training contract requirements				
			Title of apprentice under training contract	Nominal period (months) full time	Part time	School based	Other requirements
164.1	BSB30115 Certificate III in Business		Trainee	12	Y	N	
166.1	BSB30415 Certificate III in Business Administration		Trainee	12	Y	N	

and

- replace with the following prescribed vocational education and training qualification(s)—

Class B qualification

No.	Qualification	Conditions	Training Contract Requirements					
			Title on contract	Nominal duration (months)	Part time	School based	Other requirements	Apprenticeship Title
164.1	BSB30115 Certificate III in Business		Trainee	12	Y	Y Year 12 only	Nominal term for school-based traineeship is 18 months	Business (Level 3)
166.1	BSB30415 Certificate III in Business Administration		Trainee	12	Y	Y Year 12 only	Nominal term for school-based traineeship is 18 months	Business Administration (Level 3)

Dated: 12 August 2015.

WATER/SEWERAGE

WA401*

WATER SERVICES ACT 2012
WATER SERVICES REGULATIONS 2013

ORDER

District of Denmark

Water Restrictions

I, Mia Davies MLA, Minister for Water, being satisfied that the water use restrictions that currently apply in relation to the local government district of Denmark under regulation 78 of the *Water Services Regulations 2013* (Regulations) are inadequate to ensure that there will be sufficient water for the Water Corporation to continue to providing the water supply service to that area in the short term, hereby impose, pursuant to regulation 80 of the Regulations, Stage 5 water use restrictions upon the area within the local government district of Denmark for the period 1 September to 29 November 2015.

This notice applies to the use of water supplied directly by the Water Corporation.

Dated: 13 August 2015.

Hon MIA DAVIES MLA, Minister for Water.

DECEASED ESTATES

ZX401**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 Noel Kevin Ness, late of 3 Flaherty Court, Carey Park, who was found dead on 17 April 2015, are required by the personal representative to send particulars of their claims addressed to the Administrator of the Estate of Noel Kevin Ness deceased, care of Young & Young, 5 Spencer Street, Bunbury, Western Australia by the 21st day of September 2015, 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.

ZX402**TRUSTEES ACT 1962****DECEASED ESTATES**

Notice to Creditors and Claimants

Luisa Ranalli, late of 7 Stegley Place, Morley, 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 said deceased, who died on 3 January 2015, are required by the personal representatives, Vienna Pizzino and Maria Nicola Di Biase, c/- Carlo Primerano & Associates Barristers and Solicitors, Suite 12, 443 Albany Highway, Victoria Park 6100 to send particulars of their claims to them by Monday, 21 September 2015, after which date the personal representatives may convey or distribute the assets having regard only to the claims of which they then have notice.

Dated this 21st day of August 2015.

CARMELO PRIMERANO, c/o Carlo Primerano & Associates
Barristers and Solicitors,
Suite 12, 443 Albany Highway,
Victoria Park WA 6100.

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 Estates of the undermentioned deceased persons are required to send particulars of their claims to me on or before 21 September 2015, after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Altham, Richard George, late of Lot 25, Stanwax Place, Wooroloo, died 19.03.2015 (DE19933143 EM36)

Barton, Elsie, late of Ascot Residential Aged Care, 29 Neville Street, Bayswater, died 15.06.2015 (DE19721704 EM37)

Belgrove, Doreen, late of Morrison Lodge, 1A North Street, Midland, died 25.05.2015 (DE19752892 EM17)

Chandler, Vera Eileen, late of Rowethorpe Uniting Church Home, 4-10 Hayman Road, Bentley formerly of 10 Goodall Street, Gosnells, died 17.07.2015 (DE33067233 EM23)

Da Silva, Josias Nunes, late of Unit 8 / 300 Stirling Street, Perth, died 30.07.2015 (DE20001151 EM213)

Delves, Kevin Albert, late of Riversea Lodge, 100 Guildford Road, Mount Lawley, died 19.06.2015 (DE33026672 EM36)

Gethin, John Edward, late of John Bryant House, 95 Rawlinson Drive, Marangaroo, died 6.04.2015 (DE33107171 EM26)

Johnson, Stanley Oscar, late of Woodlake Aged Care Facility, Unit 40, Woodlake Retreat, Kingsley, died 13.07.2015 (DE19580709 EM24)

Ramsay, Lesley, late of 150 Sussex Street, East Victoria Park, died 19.06.2015 (DE33111139 EM13)

Smith, Peter, late of 5 Changton Way, Westminster, died 13.01.2013 (DE33107860 EM15)

Tremlett, Peter Hugh, late of Shoalwater Aged Care Facility, 72 Fourth Avenue, Shoalwater, formerly of 34 Warnbro Beach Road, Safety Bay, died 4.04.2015 (DE20010152 EM26)

Wilding, Jean, late of Bethanie Beachside Aged Care, 629 Two Rocks Road, Yanchep, died 12.06.2015 (DE19500607 EM22)

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

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 the 21st day of August 2015.

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

Name of Deceased	Address	Date of Death	Date Election Filed
Eric Richard Baxter Cornall DE19916522 EM16	27 Ivermey Road, Hamilton Hill	25 April 2015	12 August 2015
Digby Brian Windsor Kiffin-Petersen DE19941201 EM16	21/13 Kenton Street, Lynwood	24 May 2013	12 August 2015

PUBLIC NOTICES

ZZ401*

DISPOSAL OF UNCOLLECTED GOODS ACT 1970

DISPOSAL OF UNCOLLECTED GOODS

Notice under Part VI of Intention to Apply to Court for an Order—to Sell or Otherwise Dispose of Goods Valued in Excess of \$300

To: Margaret Sylvester of (last known address) 39 Round Hill Drive, Port Kennedy, WA 6172, bailor.

You were given notice on 18 February 2015 that the unregistered 1989 Nissan Exa, situated at the physical address of 31 Morgan Street, Rockingham, WA 6168 was ready for redelivery.

Unless not more than one month after the date of the giving of this notice you either take redelivery of the goods or give directions for the redelivery, Ridadu Pty Ltd trading as Rockingham Fleet Services of (physical address) 31 Morgan Street, Rockingham, WA 6168, bailee, intends making an application to the Court for an order to sell or otherwise dispose of the vehicle in accordance with the Act.

ALF RICCI, Proprietor.
Rockingham Fleet Services.
Phone: (08) 9592 6886
