



Western
Australian
Government

Gazette

ISSN 2204-4264 (online)

97

PERTH, TUESDAY, 18 JANUARY 2022 No. 8

PUBLISHED BY AUTHORITY GEOFF O. LAWN, GOVERNMENT PRINTER

© STATE OF WESTERN AUSTRALIA

CONTENTS

PART 1

	Page
Freedom of Information Amendment Regulations 2022.....	99
State Superannuation Amendment Regulations 2022.....	100
State Trading Concerns (Authorisation) Amendment Regulations 2022.....	101
Water Services (Water Corporations Charges) Amendment Regulations 2022	102

PART 2

Education	104
Fire and Emergency Services	104
Lands.....	105
Local Government.....	105
Minerals and Petroleum.....	106
Planning	108
Premier and Cabinet	120
Public Notices.....	122
Racing, Gaming and Liquor	121

IMPORTANT COPYRIGHT NOTICE

© State of Western Australia

This work is copyright. Apart from any use as permitted under the *Copyright Act 1968*, no part may be reproduced by any process without written permission from the Attorney General for Western Australia. Inquiries in the first instance should be directed to the Government Printer, Parliamentary Counsel's Office, publications@pco.wa.gov.au.

Note: A Creative Commons Attribution 4.0 International Licence (CC BY 4.0) applies with respect to material on the WA Legislation Website (with certain exceptions), and to copies of Acts, and reprints of Acts and subsidiary legislation, printed by the Government Printer. To view relevant information and for a link to a copy of the licence, visit www.legislation.wa.gov.au.

PUBLISHING DETAILS

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

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

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

- Material submitted to the Executive Council prior to gazettal will require a copy of the signed Executive Council Minute Paper.
- Copy must be lodged with the Publications Officer, Department of the Premier and Cabinet no later than 12 noon on Wednesday (Friday edition) or 12 noon on Friday (Tuesday edition)—

Email address:

gazette@dpc.wa.gov.au

- Inquiries regarding publication of notices can be directed to the Publications Officer on (08) 6552 6012.
- **Lengthy or complicated notices should be forwarded early to allow for preparation. Failure to observe this request could result in the notice being held over.**

After lodging any notices, confirmation is not required by post. *If original copy is forwarded later and published, the cost will be borne by the advertiser.*

ADVERTISING RATES AND PAYMENTS

EFFECTIVE FROM 1 JULY 2021 (Prices include GST)

Public Notices Section—\$78.20 minimum charge (except items of an exceptionally large nature. In these instances arrangements will be made for pricing the notice at time of lodging).

All other Notices—

Per Column Centimetre—\$15.60

Bulk Notices—\$285.60 per page

Clients who **have** an account will only be invoiced for charges over \$100.

For charges under \$100, clients will need to supply credit card details at time of lodging notice (i.e. a notice under 7cm would not be invoiced).

Clients without an account will need to supply credit card details at the time of lodging the notice.

— PART 1 —

JUSTICE

JU301

Freedom of Information Act 1992

Freedom of Information Amendment Regulations 2022

SL 2022/5

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Freedom of Information Amendment Regulations 2022*.

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 *Arts and Culture Trust Act 2021* section 73(1) comes into operation.

3. Regulations amended

These regulations amend the *Freedom of Information Regulations 1993*.

4. Schedule 2 amended

- (1) In Schedule 2 column 2 delete the items relating to the Perth Theatre Trust and the Perth Theatre Trust Board.
- (2) In Schedule 2 opposite “Department of Culture and the Arts” insert in column 2 in alphabetical order:

Arts and Culture Trust
Arts and Culture Trust Board

V.MOLAN, Clerk of the Executive Council.

TREASURY AND FINANCE

TR301

State Superannuation Act 2000

**State Superannuation Amendment
Regulations 2022**

SL 2022/4

Made by the Governor in Executive Council.

1. Citation

These regulations are the *State Superannuation Amendment Regulations 2022*.

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 *Arts and Culture Trust Act 2021* section 73(1) comes into operation.

3. Regulations amended

These regulations amend the *State Superannuation Regulations 2001*.

4. Schedule 1 amended

In Schedule 1 Division 1:

- (a) after item 4 insert:

5. Arts and Culture Trust established under the *Arts and Culture Trust Act 2021*

- (b) delete item 21.

V.MOLAN, Clerk of the Executive Council.

TR302

State Trading Concerns Act 1916

State Trading Concerns (Authorisation) Amendment Regulations 2022

SL 2022/3

Made by the Governor in Executive Council.

1. Citation

These regulations are the *State Trading Concerns (Authorisation) Amendment Regulations 2022*.

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 *Arts and Culture Trust Act 2021* section 73(1) comes into operation.

3. Regulations amended

These regulations amend the *State Trading Concerns (Authorisation) Regulations 1998*.

4. Schedule 2 amended

- (1) In Schedule 2 Part 1 delete the item for the Perth Theatre Trust.
- (2) In Schedule 2 Part 2 delete the item headed “Perth Theatre Trust”.

V.MOLAN, Clerk of the Executive Council.

WATER

WA301

Water Services Act 2012

**Water Services (Water Corporations Charges)
Amendment Regulations 2022**

SL 2022/2

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Water Services (Water Corporations Charges) Amendment Regulations 2022*.

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 *Arts and Culture Trust Act 2021* section 73(1) comes into operation.

3. Regulations amended

These regulations amend the *Water Services (Water Corporations Charges) Regulations 2014*.

4. Schedule 8 amended

(1) In Schedule 8 before item 3 insert:

2A. Arts and Culture Trust established under the *Arts and Culture Trust Act 2021* section 7.

(2) In Schedule 8 delete item 16.

V.MOLAN, Clerk of the Executive Council.

— PART 2 —

EDUCATION

ED401**MURDOCH UNIVERSITY ACT 1973****MURDOCH UNIVERSITY SENATE (APPOINTMENT OF MEMBER) INSTRUMENT 2021**

Made by the Governor in Executive Council under section 12(1)(g) of the *Murdoch University Act 1973*.

Citation

1. This is the Murdoch University Senate (Appointment of Member) Instrument 2021.

Appointment of member

2. Mr Peter Kerr is appointed to be a member of the Senate of the University for a term of office from 22 December 2021 to 21 December 2024.

Dated this 14th day of December 2021.

V. MOLAN, Clerk of the Executive Council.

FIRE AND EMERGENCY SERVICES

FE401**BUSH FIRES ACT 1954****TOTAL FIRE BAN DECLARATION**

Correspondence No. DI 8023

Pursuant to powers delegated under the *Bush Fires Act 1954*, the Assistant Commissioner of the Department of Fire and Emergency Services, declared under Section 22A of the *Bush Fires Act 1954*, a total fire ban for 13 January 2022 for the local government districts of—

Ashburton, Karratha, East Pilbara, Port Hedland, Exmouth, Carnarvon, Shark Bay, Upper Gascoyne, Kalgoorlie-Boulder, Coolgardie, Dundas, Laverton, Leonora, Menzies.

Dated 12 January 2022.

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

FE402**BUSH FIRES ACT 1954****TOTAL FIRE BAN DECLARATION**

Correspondence No. D18023

Pursuant to powers delegated under the *Bush Fires Act 1954*, the Assistant Commissioner of the Department of Fire and Emergency Services, declared under Section 22A of the *Bush Fires Act 1954*, a total fire ban for 14 January 2022 for the local government districts of—

Ashburton, Karratha, Exmouth, Carnarvon, Shark Bay, Upper Gascoyne.

Dated 13 January 2022.

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

LANDS

LA401

TRANSFER OF LAND ACT 1893

APPLICATION N796663

Take notice that Sandalwood Farms Pty Ltd (ACN 008 911 573) have made application to be registered under the Act as proprietors of an estate in fee simple in possession in the land situated at Amelup, being Kent Location 2 on Deposited Plan 230412 containing 4.0469ha more or less as contained in Memorial Book XXVII no. 1015.

Sandalwood Road Amelup, being Plantagenet Location 40 as surveyed on Deposited Plan 230436 less road resumptions as surveyed in Deposited Plans 201884 and 248023 containing 14.7335ha more or less as contained in Memorial Book XXVII no. 1015.

Sandalwood Road Amelup, being Plantagenet Location 66 as surveyed in Deposited Plan 230409 less road resumptions surveyed in Deposited Plan 201884 containing 7.9552ha more or less as contained in Memorial Book XXVII no. 1015.

Sandalwood Road Amelup, being Plantagenet Location 68 on Deposited Plan 230409 containing 4.0484ha more or less as contained in Memorial Book XXVII no. 1015.

Sandalwood Road Amelup, being Plantagenet Location 129 on Deposited Plan 230412 containing 16.1874ha more or less as contained in Memorial Book XXVII no. 1015.

All persons other than the applicant claiming any estate right title or interest in the above land and desiring to object to the application are required to lodge with Landgate on or before 1 February 2022 a caveat forbidding the land being brought under the operation of the Act.

BRUCE ROBERTS, Registrar of Titles.

LOCAL GOVERNMENT

LG401

LOCAL GOVERNMENT ACT 1995*City of Swan*

BASIS OF RATES

I, Tim Fraser, being delegated by the Minister of the Crown to whom the administration of the *Local Government Act 1995* is committed by the Governor, and acting pursuant to section 6.28 (1) of that Act, hereby, and with effect from 20 December 2021, determined that the method of valuation to be used by the City of Swan as the basis for a rate in respect of the land referred to in the Schedule is to be the gross rental value of the land;

Schedule

	Designated Land
UV to GRV	All those portions of land being Lots 400 to 407 inclusive, Lots 451 to 462 inclusive, Lots 465 to 484 inclusive and Lots 489 to 521 inclusive as shown on Deposited Plan 421736.

TIM FRASER, Executive Director Local Government,
Department of Local Government, Sport and Cultural Industries.

LG402

LOCAL GOVERNMENT ACT 1995

City of Rockingham

BASIS OF RATES

I, Darrelle Merritt, being delegated by the Minister of the Crown to whom the administration of the *Local Government Act 1995* is committed by the Governor, and acting pursuant to section 6.28 (1) of that Act, hereby, and with effect from 5 October 2021, determined that the method of valuation to be used by the City of Rockingham as the basis for a rate in respect of the land referred to in the Schedule is to be the gross rental value of the land;

Schedule

	Designated Land
UV to GRV	All those portions of land being Lots 748 to 764 inclusive and Lots 775 to 789 inclusive as shown on Deposited Plan 419418.

DARRELLE MERRITT, A/Executive Director Local Government,
Department of Local Government, Sport and Cultural Industries.

MINERALS AND PETROLEUM

MP401

PETROLEUM AND GEOTHERMAL ENERGY RESOURCES ACT 1967

Section 5(8)

DECLARATION OF VARIATION TO RESERVED BLOCKS

I, Stephen Michael Brown, Executive Director Resource Tenure Division of the Department of Mines, Industry Regulation and Safety under delegation from the Minister for Mines and Petroleum, pursuant to section 5(8) of the *Petroleum and Geothermal Energy Resources Act 1967*, declare the reservation pursuant to 28(1a) of the *Petroleum and Geothermal Energy Resources Act 1967* by *Government Gazette* notice published 8 October 2021, is hereby varied to remove the following graticular blocks—

BROOME MAPSHEET (SE50)

6548-6553	6618-6625	6691-6697	6762-6769	6839-6841
7264-7266	7336-7340	7408-7412	7417	7471-7474
7480-7490	7543-7562	7622-7633	7694-7695	7699-7705
7766-7767	7839-7840	7911-7913	7983-7986	8055-8059
8127-8131	8200-8203	8273-8275		

HAMERSLEY MAP SHEET (SF50)

5607-5610	5677-5682	5747-5751	5818-5823	5887-5992
5959-5964	6030-6035	6100-6106	6171-6176	6242-6248
6311-6320	6381-6388	6451-6460	6513-6515	6523-6529
6585-6587	6595-6601	6657-6658	6667-6670	6729-6730
6739-6742	6801-6802	6810-6814	6873-6874	6881-6886
6945-6947	6952-6956	7006-7012	7017-7019	7024-7028
7078-7090	7096-7100	7150-7162	7167-7172	7221-7233
7239-7244	7292-7305	7310-7316	7364-7370	7377-7388
7436-7442	7449-7458	7507-7514	7521-7530	7579-7586
7593-7602	7651-7658	7665-7674	7721-7732	7737-7746
7793-7795	7802-7804	7809-7819	7876-7881	7882-7891
7948-7964	8025-8036	8097-8108	8169-8181	
8241-8253	8313-8325	8385-8397		

CLOATES MAP SHEET (SF49)

6656	6728	6944	7014-7016	7085-7088
7157-7160	7228-7232	7300-7304	7373-7376	7445-7447
7488	7520	7592	7664	7736
7808	7880	7952	8024	8096
8168	8240	8312	8384	8456

OAKOVER RIVER MAP SHEET (SF51)

7017-7019	7089-7091	7161-7163	7233-7235	7809
7881				

MEEKATHARRA MAP SHEET (SG50)

5001-5013	5073-5085	5146-5155	5217-5227	5289-5299
5361-5371	5433-5443	5505-5515	5577-5587	5649-5654
5721-5722	5793-5794	5865-5866	5937-5938	6009-6010
6081-6082				

CARNARVON MAP SHEET (SG49)

5144	5214	5216	5286-5288	5357-5360
5429-5432	5501-5504	5572-5576	5643-5648	5716-5720
5791-5792	5862-5864	5934-5936	6007-6008	6080
6152				

PERTH MAP SHEET (SH50)

5371-5379	5443-5451	5515-5523	5587-5595	5659-5667
5731-5739	5805-5811	5876-5883	6452-6459	6524-6425
6527-6529	6596-6597	6599-6603	6668-6675	6740
6742-6745	6816-6819	6884-6891	6957-6963	7029-7033
7101-7105	7177-7179	7250-7251	7322-7323	7395

ALBANY MAP SHEET (SI50)

5240-5242	5310-5312	5314	5382-5386	5455-5458
5528-5529	5598-5601	5670-5673	5742-5745	5814-5817
5886-5889	6029	6100-6103	6172-6174	6243-6246
6309-6310	6315-6320	6380-6383	6388-6389	6452-6461
6524-6529	6532-6533	6596-6605	6668-6669	6671-6677
6817	6888-6891	6960-6963	7033	

The reservation of these blocks no longer remains in effect.

Dated at Perth this 13th day of January 2022.

Made under the *Petroleum and Geothermal Energy Resources Act 1967* of the State of Western Australia.

STEPHEN BROWN, Executive Director Resource Tenure,
Department of Mines, Industry Regulation and Safety.

MP402**PETROLEUM AND GEOTHERMAL ENERGY RESOURCES ACT 1967****Section 5(8)**

DECLARATION OF VARIATION TO RESERVED BLOCKS

I, Stephen Michael Brown, Executive Director Resource Tenure Division of the Department of Mines, Industry Regulation and Safety under delegation from the Minister for Mines and Petroleum, pursuant to section 5(8) of the *Petroleum and Geothermal Energy Resources Act 1967*, hereby declare that the following graticular blocks reserved pursuant to 28(1) of the *Petroleum and Geothermal Energy Resources Act 1967* by *Government Gazette* notice published 22 October 2021 are hereby varied—

PERTH MAPSHEET (SH50)

5877 and 8120

The reservation of these blocks no longer remain in effect.

Dated at Perth this 13th day of January 2022.

Made under the *Petroleum and Geothermal Energy Resources Act 1967* of the State of Western Australia.

STEPHEN BROWN, Executive Director Resource Tenure,
Department of Mines, Industry Regulation and Safety.

PLANNING

PL401

PLANNING AND DEVELOPMENT ACT 2005
GREATER BUNBURY REGION SCHEME MAJOR AMENDMENT 0060/41
 Waterloo Industrial Expansion Area
 Outcome of Amendment

Ref: RLS/0866

It is hereby notified for public information that the Waterloo Industrial Expansion Area amendment to the Greater Bunbury Region Scheme (GBRS) has been submitted before both Houses of Parliament in accordance with the provisions of section 56 of the *Planning and Development Act 2005*.

This amendment, as depicted on Western Australian Planning Commission (WAPC) plan number 3.2755, is effective in the GBRS on and from the 11 November 2021.

Documents can also be viewed online at the Department of Planning, Lands and Heritage website www.dplh.wa.gov.au/gbrs

MS. SAM FAGAN, Secretary, Western Australian Planning Commission.

PL402

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT
City of Canning
 Local Planning Scheme No. 42—Amendment No. 1

Ref: TPS/2652

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 Canning Local Planning Scheme amendment on 21 December 2021 for the purpose of—

1. Replacing the text '14 February 1994' with the text '18 February 1994' under clause 1.3.
2. Inserting the words 'or within the Frame Area' between the words '20 and 25 ANEF Contours' and 'of the Jandakot Airport Buffer Special Control Area' in the Additional provisions column on Table 10.
3. Replacing the existing term 'single house' with the new term 'single dwelling' in the definition of holiday house under clause 6.2.
4. Amending the following Additional Use in Schedule B—Additional Uses as follows—

No.	Description of land	Additional use	Conditions
4	87-91 Catalano Circuit (Lot 3), 257 Bannister Road (Lot 1) and 259-261 Bannister Road (Lot 2), Canning Vale.	Office 'P' use Industry—Light 'P' use Shop 'A' use as defined in clause 3.3.2 of the Scheme.	

5. Reclassifying a portion of the Vulcan Road road reserve from 'General Industry' to 'Local Road' as shown on the Scheme Amendment No. 1 Map.
6. Reclassifying Lot 300 (No. 105) Woodthorpe Drive, Willetton, from 'Urban Development' to 'Public Open Space' as shown on the Scheme Amendment No. 1 Map.
7. Reclassifying portions of the Woodthorpe Drive road reserve from 'Local Road' to 'Public Open Space' and 'Local Distributor Road' as shown on the Scheme Amendment No. 1 Map.
8. Reclassifying the portion of land immediately adjacent to Lot 20 (No. 201) Vellgrove Avenue, Parkwood, from 'Public Open Space' to 'District Distributor Road' and 'Local Distributor Road' as shown on the Scheme Amendment No. 1 Map.
9. Reclassifying Lot 68 (No. 1) Shoveler Close, East Cannington, from 'Residential' with a density code of R20 to 'Environmental Conservation' as shown on the Scheme Amendment No. 1 Map.
10. Reclassifying a portion of the Shoveler Close road reserve from 'Residential' with a density code of R20 to 'Local Road' as shown on the Scheme Amendment No. 1 Map.
11. Reclassifying a portion of the Little Close road reserve from 'Residential' with a density code of R30 to 'Local Road' as shown on the Scheme Amendment No. 1 Map.
12. Reclassifying a portion of the Irene McCormack Way road reserve from 'Residential' with a density code of R30 to 'Local Road' as shown on the Scheme Amendment No. 1 Map.
13. Amending Special Control Area 1 on the Local Planning Scheme No. 42 Map in accordance with the Scheme Amendment No. 1 Map.

P. HALL, Mayor.
 A. KYRON, Chief Executive Officer.

PL403

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF DELEGATION

DEL 2022/02 Powers of Officers (Department of Finance)

Delegation to officers of certain functions of the Western Australian Planning Commission, under the Metropolitan Region Scheme (MRS).

Preamble

Under section 16 of the *Planning and Development Act 2005* (the Act), the Western Australian Planning Commission (WAPC) may, by resolution published in the *Government Gazette*, delegate any function to a member, committee or officer of the WAPC or to a public authority or to a member or officer of a public authority.

In accordance with section 16 (4) of the Act, a reference in this instrument to a function or power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or conferred on the WAPC by the Act or any other written law as the case requires.

Resolution under section 16 of the Act (delegation)

On 8 December 2021 pursuant to section 16 of the Act, the WAPC resolved—

- A. To REVOKE the Instrument of Delegation 2009/02 Powers of Officers (Department of Finance), as gazetted on 24 April 2009 (and as amended).
- B. To DELEGATE its powers and functions as set out in column 1 of Schedule 1, to the person or persons from time to time holding or acting in the offices in the Department of Finance, as specified in column 2 of Schedule 1, subject to the conditions specified in column 3 of Schedule 1 and the requirements in Schedule 2.

SAM FAGAN, Secretary, Western Australian Planning Commission.

Schedule 1

Column 1 (Powers and Functions)	Column 2 (Officers)	Column 3 (Conditions (if any))
Powers under the Metropolitan Region Scheme (MRS)		
1. Power to determine applications for approval to commence and carry out development on zoned land used for Primary Schools, where such development is a public work undertaken by a public authority	<ul style="list-style-type: none"> • General Manager, Statutory Planning and Asset Policy. 	
2. Power to determine applications for approval to commence and carry out, on zoned or reserved land, the development of— <ol style="list-style-type: none"> (a) Transportable accommodation; (b) Transportable offices; (c) A shed; (d) An outbuilding. 		Provided application is in accordance with the objectives and intent of any policies (if any) of the WAPC. Excluding applications where— <ol style="list-style-type: none"> 1) The land is subject to a resolution under clause 32 of the MRS; or 2) The land is subject to the declaration of a planning control area under s112 of the Act; or 3) where that land is partly within the development control area described in section 10 of the <i>Swan and Canning Rivers Management Act 2006</i> or is outside the development control area but abuts waters within the development control area.

Schedule 2

1. The officer performing these powers and functions shall provide bi-annual reports to the WAPC, in a format prescribed by the WAPC.
2. The reports provided under point 1 above shall detail the number of applications received in that period, the type of development applied for and the decision made on each application.
3. The reporting period shall commence on the date of gazettal of this instrument, with the first report due no later than 6 months after gazettal.

Interpretation

A position listed in this instrument contemplates and includes its successor in title.

PL404

PLANNING AND DEVELOPMENT ACT 2005 INSTRUMENT OF DELEGATION

DEL 2022/01 Powers of Officers (Department of Transport (Maritime matters))

Delegation to officers of certain functions of the Western Australian Planning Commission, under the Metropolitan Region Scheme (MRS) Greater Bunbury Region Scheme (GBRS) or Peel Region Scheme (PRS)

Preamble

Under section 16 of the *Planning and Development Act 2005* (the Act), the Western Australian Planning Commission (WAPC) may, by resolution published in the *Government Gazette*, delegate any function to a member, committee or officer of the WAPC or to a public authority or to a member or officer of a public authority.

In accordance with section 16 (4) of the Act, a reference in this instrument to a function or power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or conferred on the WAPC by the Act or any other written law as the case requires.

Resolution under section 16 of the Act (delegation)

On 8 December 2021 pursuant to section 16 of the Act, the WAPC resolved—

- A. To DELEGATE its powers and functions as set out in column 1 of Schedule 1, to the person or persons from time to time holding or acting in the offices in the Department of Transport, as specified in column 2 of Schedule 1, subject to the conditions specified in column 3 of Schedule 1 and the requirements in Schedule 2.

SAM FAGAN, Secretary, Western Australian Planning Commission.

Schedule 1

Column 1 (Powers and Functions)	Column 2 (Officers)	Column 3 (Conditions)
<p>Power to determine applications for approval to commence and carry out development, submitted or referred to the WAPC, pursuant to the provisions of the MRS, GBRS or PRS, for—</p> <ol style="list-style-type: none"> (a) Wharves, jetties, moorings, pens or gangways; (b) Road, car park and hardstand surfaces; (c) Landscaping, ablutions facilities, end of trip facilities and end user amenities on land reserved for parks and recreation or public open space. (d) Leading marks, navigational aids, lights or markers; (e) Signage; 	<ul style="list-style-type: none"> • Director, Maritime Planning 	<ol style="list-style-type: none"> 1) Application must be for land or waters vested in, or acquired by, the Minister for Transport; and 2) The delegate accepts the recommendations of any referral agency. 3) Excludes applications— <ol style="list-style-type: none"> a. Which will result in or have a significant impact on the environment; b. where the delegate is of the opinion that the application should be determined by the WAPC on the grounds that the proposal is of State or regional importance or is in the public interest.

Column 1 (Powers and Functions)	Column 2 (Officers)	Column 3 (Conditions)
(f) Waterway management including rubbish removal and wrack removal; (g) Measures required to manage coastal erosion, beach nourishment or reshaping.		

Schedule 2

1. The officer performing these powers and functions shall provide bi-annual reports to the WAPC, in a format prescribed by the WAPC.
2. The reports provided under point 1 above shall detail the number of applications received in that period, the type of development applied for and the decision made on each application.
3. The reporting period shall commence on the date of gazettal of this instrument, with the first report due no later than 6 months after gazettal.

Interpretation

A position listed in this instrument contemplates and includes its successor in title.

PL405

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF DELEGATION

Del 2022/03 Powers of Local Governments Metropolitan Region Scheme

Delegation of certain powers and functions of the Western Australian Planning Commission relating to the Metropolitan Region Scheme.

Preamble

Under section 16 of the Planning and Development Act 2005 (the Act) the Western Australian Planning Commission (the WAPC) may, by resolution published in the *Government Gazette*, delegate any function to an officer of a public authority or to a local government, a committee established under the Local Government Act 1995 or an employee of a local government

In accordance with section 16(4) of the Act, a reference in this instrument to a function or a power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or conferred upon the WAPC by the Act or any other written law as the case requires.

Resolution under section 16 of the Act (delegation)

On 8 December 2021, pursuant to section 16 of the Act, the WAPC resolved—

- A. To delegate to local governments, and to members and officers of those local governments, its functions in respect of the determination, in accordance with Part IV of the Metropolitan Region Scheme, of applications for approval to commence and carry out development specified in clauses 1 and 2 of Section A, within their respective districts, subject to the conditions set out in clauses 1 to 4 of Section B;
- B. To revoke its delegation of powers and functions to local governments as detailed in the notice entitled “DEL 2017/02 Powers of local governments (MRS)” published in the *Government Gazette* on 30 May 2017, to give effect to this delegation.

SAM FAGAN, Secretary, Western Australian Planning Commission.

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF DELEGATION

SECTION A—Types of Development

1. Development on zoned land

Applications for development on land zoned under the MRS except—

- (a) where the land is subject to a resolution under Clause 32 of the MRS; or
- (b) where the land is subject to the declaration of a planning control area under Section 112 of the *Planning and Development Act 2005*; or

- (c) where that land is partly within the development control area described in section 10 of the *Swan and Canning Rivers Management Act 2006* or is outside the development control area but abuts waters within the development control area and the Swan River Trust objects to the proposal, or a referral body recommends refusal; or
- (d) where the local government is of the opinion that the application should be determined by the WAPC on the grounds that the proposal is of State or regional importance or is in the public interest, or
- (e) in respect of public works undertaken by public authorities.

2. Development on regional road reservations

Applications for developments on or abutting land that is reserved in the MRS for the purpose of a regional road.

SECTION B—Conditions

1. Referral requirements for development on land within or abutting a regional road reservation

The following applications for development on land that abuts or is fully or partly reserved as regional road reservation (classified as Category 1, 2 and 3) shall be referred to Main Roads WA (MRWA) or the Department of Planning, Lands and Heritage, as applicable, for transport planning related comments and recommendations before being determined by the local government subject to the process explained in clause 4, Section B.

Type of regional road reservation in the MRS	Classification on plans SP 693 (PRR) and SP 694 (ORR)	Referral Agency
Primary Regional Road (PRR)	Category 1, 2 and 3	Main Roads WA
Other Regional Road (ORR)	Category 1, 2 and 3	Department of Planning, Lands and Heritage

The regional road network (PRR and ORR) changes periodically with amendments to the MRS. This clause relates to all regional road reservations in the MRS as amended from time to time. Regional roads subject to this notice and the relevant agency that is responsible for their planning are shown on accompanying editions of plans SP 693 (PRR, MRWA) and SP 694 (ORR, WAPC).

The road categories shown on plans SP 693 (PRR) and SP 694 (ORR) classify the regional roads based on—

- (a) the permissible vehicular access arrangements to the subject land via the regional road frontage
 - **Category 1 road** means that frontage access is not allowed (control of access);
 - **Category 2 road** means that frontage access may be allowed subject to approval; and
- (b) the legibility and statutory powers of current road land requirements defined for the purpose of regional road reservation in the MRS
 - **Category 3 road** means that the subject regional road reservation is not accurately defined or is subject to review by the agency that is responsible for planning of the regional road.

“**Category 1 road**” applies where regional roads—

- (a) are constructed or planned to a fully controlled and grade separated freeway standard; or
- (b) are constructed or planned to an access controlled arterial standard, (i.e. functioning as Primary Distributor or Integrator Arterial (District Distributor) road with widely spaced signalised intersections or roundabouts, and a few, if any, direct access points to individual sites or local streets.

“**Category 2 road**” applies where regional roads—

- (a) are constructed or planned to a partially access controlled arterial standard, (i.e. a primary or district distributor road with direct connections to local streets and driveways to larger sites, but with some restriction of direct frontage access to individual properties); or
- (b) have direct frontage access to abutting properties due to the historic development of the road and properties.

“**Category 3 road**” applies where regional road reservation is not accurately defined or is under review.

Tables 1, 2 and 3 below outline the category of the regional road reservation and the criteria for referring development applications to agencies for comment in accordance with this instrument of delegation.

Table 1—Referral process of development applications with respect to Category 1 (PRR or ORR reservations in the MRS)

Respective referral agency (as per Section B)	
Referral is required in these instances	Referral is not required in these instances
1. Where a development application has one or more of the following characteristics— <ul style="list-style-type: none"> (a) Development, including earthworks and drainage, which encroaches or impacts upon the road reservation; or (b) Development with potential for a significant increase in traffic using any access, either directly or indirectly, onto the road reservation; or (c) Development, which involves direct vehicle access to and/or from the regional road reservation. 	1. Where the local government first decides to refuse the application under the MRS; or 2. Under circumstances where the application is for an ancillary and incidental addition or modification to an existing authorised development, which does not encroach upon the road reservation and has no intention to alter existing access arrangements.

Table 2—Referral process of development applications with respect to Category 2 (PRR or ORR reservations in the MRS)

Respective referral agency (as per Section B)	
Referral is required in these instances	Referral is not required in these instances
1. Where a development application has one or more of the following characteristics— <ul style="list-style-type: none"> (a) Development, including earthworks and drainage, which encroaches or impacts upon the road reservation; or (b) Development with potential for a significant increase in traffic on the regional road using any access, either directly or indirectly, onto the road reservation; or (c) Development, which involves the retention of more than one existing access; or additional, relocated or new access between the subject land and the road reservation; or (d) Development, which proposes retention of an existing access between the subject land and the road reservation, where alternative access is or could be made available from side or rear streets or from rights of way at rear; or (e) Development on a lot affected by the regional road reservation where— <ul style="list-style-type: none"> • all or part of the proposed development is within the regional road reservation; and • has a construction value greater than \$50 000; or (f) Development on a lot affected by the regional road reservation where— <ul style="list-style-type: none"> • none of the proposed development is within the regional road reservation; and • has a construction value greater than \$250 000 	1. Where the local government first decides to refuse the application under the MRS; or 2. Under circumstances where the application is for an ancillary and incidental addition or modification to an existing authorised development, which does not encroach upon the road reservation and has no intention to alter existing access arrangements.

Table 3—Referral process of development applications with respect to Category 3 (PRR or ORR reservations in the MRS)

Respective referral agency (as per Section B)	
Referral is required in these instances	Referral is not required in these instances
1. All development applications, other than those where local government first decides to refuse it.	1. Where the local government first decides to refuse the application under the MRS

Notes—

(1) Copies of plans SP 693 (PRR) and SP 694 (ORR) are available from the WAPC's website: "Resolutions and instruments of delegation—WAPC Powers of local governments (MRS)". (<http://www.DPLH.wa.gov.au/1212.asp>).

(2) In determining applications under this delegation, local governments shall have due regard to relevant WAPC and MRWA policy and guidelines, including but not limited to the Commission's D C Policy—5.1 *Regional Roads (Vehicular Access)*, the Transport Impact Assessment Guidelines, and MRWA *Driveways Policy*, which set out the principles and requirements to be applied when considering proposals for vehicle access to or from developments abutting certain categories of regional roads.

(<http://www.DPLH.wa.gov.au/publications/812.asp>; and <https://www.mainroads.wa.gov.au/BuildingRoads/StandardsTechnical/RoadandTrafficEngineering/GuidetoRoadDesign/Pages/Driveways.aspx>)

(3) Local governments shall ensure that sufficient transport information accompanies the development application to assist the referral agency in assessing the transport implications of the proposal. This information should be provided in accordance with the WAPC's *Transport Impact Assessment Guidelines*. <http://www.DPLH.wa.gov.au/publications/1197.asp>

(4) With regard to proposals for new noise-sensitive developments, the local government shall have due regard to the provisions of Commission's *State Planning Policy—5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning*. (<http://www.DPLH.wa.gov.au/publications/1182.asp>)

2. Referral requirements for development on land abutting the Swan River Trust Development Control Area

Applications for development on land that is outside the development control area but abutting land that is in the development control area, or which in the opinion of the local government are likely to affect waters in the development control area, shall be referred to the Swan River Trust for comment and recommendation before being determined by the local government.

3. Referral requirements for development on land abutting other reservations

Applications for development on land abutting land reserved in the MRS for purposes other than regional roads or Parks and Recreation (where the reservation corresponds with the Swan River Trust development control area and is covered by Clause 2, Section B of this notice) shall be referred to the public authority responsible for that reserved land for comment and recommendation before being determined by the local government.

In the case of land reserved for the purpose of Parks and Recreation, which is not vested or owned by another public authority, the applications shall be referred to the Department of Planning, Lands and Heritage before being determined by the local government.

4. For the purpose of this Instrument of Delegation

- (a) Where an application is referred by the local government to a public authority for comment and recommendation, the public authority shall provide comment and a recommendation, if any, within 30 days of receipt of the application. If no comment or recommendation is received within that 30 day period the local government may determine the application on the available information.
- (b) Where the recommendation provided by the public authority specified in the delegation notice is not acceptable to the local government the application, together with the recommendations provided by all public authorities consulted and the reasons why the recommendation is not acceptable to the local government, shall be referred immediately to the WAPC for determination.
- (c) The powers delegated to a member or officer of a local government may only be exercised by a member or officer who has been delegated power from the local government to consider and determine applications for approval to commence and carry out development within the local government district under the local government's local planning scheme.

Interpretation

In this Instrument of Delegation, unless the context otherwise requires—

- A reference to a 'position' or 'classification' contemplates and includes a reference to its successor in title.
- "access" means both entry and exit from either a road or abutting development by a vehicle.
- "Commission" or "WAPC" means the "Western Australian Planning Commission".

- “development” has the same meaning given to it in and for the purposes of the *Planning and Development Act 2005* or “development means the development or use of any land, including—
 - (a) any demolition, erection, construction, alteration of or addition to any building or structure on the land;
 - (b) the carrying out on the land of any excavation or other works;
 - (c) in the case of a place to which a Conservation Order made under section 59 of the *Heritage of Western Australia Act 1990* applies, any act or thing that—
 - (i) is likely to change the character of that place or the external appearance of any building; or
 - (ii) would constitute an irreversible alteration of the fabric of any building”.
- “local road” means a public road other than a private road or a road subject of reservation under Part II of the MRS.
- “not acceptable” means that the local government wishes to determine the application, as a delegate of the WAPC, in a manner that is inconsistent with the recommendation received from the public agency to which the local government was required to consult under this Notice of Delegation.
- Main Roads WA means Main Roads Western Australia
- “regional road” means any road designated under the region Scheme as follows—
 - (a) land coloured red in the Scheme Map—Primary Regional Roads; and
 - (b) land coloured dark blue in the Scheme Map—Other Regional Roads.
- “reserved land” means land reserved under Part II of the MRS.
- “road reservation” means land reserved for the purposes of a regional road in the MRS.
- “significant increase in traffic” means generating more than 100 vehicle trips in the peak hour and would therefore require a transport assessment to accompany the development application. Refer to the Commission’s *Transport Impact Assessment Guidelines*

PL406

PLANNING AND DEVELOPMENT ACT 2005

NOTICE OF RESOLUTION

Resolution under Clause 32 of the MRS

RES 2021/01

Notice of resolution made under clause 32 of the Metropolitan Region Scheme (MRS) regarding development control powers of the Western Australian Planning Commission

Under clause 32 of the MRS, the WAPC may, by resolution, identify land and require that applications for all or certain classes of development on that land, be referred to the WAPC for determination.

Resolution under clause 32 of the MRS

On 8 December 2021, pursuant to clause 32 of the MRS, the WAPC RESOLVED—

- A TO REVOKE its resolutions made under clause 32 of the MRS as detailed in a notice published in the *Government Gazette* of 12 June 2015 at pages 2062 and 2063 and as published in the *Government Gazette* of 11 December 2011 concerning Lots 202 and 203, Corner Kwinana Freeway, Beeliar Drive and Wentworth Parade, Success.
- B TO REQUIRE all local governments within the MRS area to refer applications for development of the classes and in the locations specified in clauses 1 to 4 of Schedule 1 to the WAPC for determination.
- C TO REQUIRE that local governments specified in clauses 5 to 8 of Schedule 1 to refer applications for development of the classes and in the locations specified in clauses 5 to 8 of Schedule 1 to the WAPC for determination.
- D TO CONFIRM that words used in the schedules to this resolution have the meanings given to them in the *Planning and Development Act 2005* (the Act) and the MRS and, unless the context otherwise requires, the meanings defined in schedule 3. In the case of any inconsistency, the Act prevails;
- E TO DECLARE that this resolution takes effect when notice of it is published in the *Government Gazette*.

SAM FAGAN, Secretary, Western Australian Planning Commission.

Schedule 1

All Local governments in the area covered by the MRS

1. Development of State or Regional Significance

Development in respect of which the WAPC, by notice in writing in each case, advises the local government that the development is of state or regional significance or that, in the public interest, the development should be the subject of an application determined by the WAPC.

2. Development in the rural zone

Extractive Industry applications and any other uses which in the opinion of the WAPC or the local government may not be consistent with the rural zone.

3. Poultry Farms

Applications made under clause 28 of the MRS for approval to commence and carry out development of new poultry farms or any extension or addition in excess of 100 square metres to the improvements of an existing poultry farm in the Rural, Urban or Urban Deferred zones in the MRS

4. Development in Activity Centres

Applications made under clause 28 of the MRS for approval to commence and carry out development relating to a building or extension/s to an existing building for shop-retail purposes—

- (a) where the local government or the WAPC considers that the development proposed may be of State or regional significance;
- (b) where the development proposed is major development which the local government considers is appropriately located in an activity centre of a higher level of the Activity Centre Hierarchy that the activity centre in which it is proposed to be located;
- (c) where the development proposed is major development which the WAPC (after consulting the relevant local government) considers is appropriately located in an activity centre of a higher level of the Activity Centre Hierarchy that the activity centre in which it is proposed to be located;
- (d) for Strategic metropolitan centre or Secondary centre developments where the development proposed is major development;
- (e) for District centre developments, where the development is major development and where approval of the proposal would result in the shop/retail floorspace exceeding 20 000m² of shop/retail floorspace (net lettable area); or
- (f) where the development proposed is wholly or partly located in zoned land in specialised centres; except where the application complies with an activity centre structure plan or equivalent plan or strategy for the activity centre endorsed by the WAPC.

Referral arrangements for specific local governments

5. Stirling and Glendalough Station Precinct

Unless a structure plan is in place for the areas defined in WAPC plan No. 4.1495/1, the City of Stirling is to refer for determination by the WAPC the following classes of applications under clause 28 of the MRS for approval to commence and carry out development on land—

- (a) Applications that include non-residential uses and/or development;
- (b) Applications for 5 or more residential dwellings.

6. Kwinana Industrial Area

The City of Kwinana is to refer for determination by the WAPC all applications made under clause 28 of the MRS for all classes of development for the area shown on WAPC plan No. 4.1489/1, except where development is estimated by the applicant to be less than \$250,000 in respect of which the council may decide at its discretion to submit or not to the WAPC.

7. North Coogee Industrial Area

The City of Cockburn is to refer for determination by the WAPC all applications made under clause 28 of the MRS for all classes of development for the area shown on WAPC plan 4.1622.

8. Parliament House Precinct 6

The City of Perth is to refer for determination by the WAPC all applications for approval to commence and carry out development within—

- (a) The area depicted as the Inner Precinct on WAPC plan 3.2096; and
- (b) The area depicted as the Outer Precinct on WAPC plan 3.2096, where the development proposed will exceed the specified height limits, previously determined by the WAPC.

Interpretation

In this notice of resolution, words have the meanings given to them in the Act and the MRS. Unless the context otherwise requires—

“activity centre” is defined in section 9 of State Planning Policy 4.2;

“activity centre hierarchy” means the categories of activity centres set out in Appendix 1 of State Planning Policy 4.2, namely—

- Capital City;
- Strategic centres;
- Specialised centres;
- Secondary centres;
- District centres;
- Neighbourhood centres; and
- Local centres.

‘Advice agency’ means a department, public authority or body which is requested to provide advice and recommendations on applications for planning approval under the GBRS as an agency responsible for reserved land or to which local governments refer applications under the terms of schedule 3.

“Category A activity centre uses” means land uses as defined in section 9 of State Planning Policy 4.2;

‘Forward to the WAPC’ and similar expressions mean convey by mail, by hand or electronically to the office of the Department of Planning Lands and Heritage.

“major development” means development as defined in section 9 of State Planning Policy 4.2;

“net lettable area” is defined in section 9 of State Planning Policy 4.2;

“precinct structure plan or equivalent” means a precinct structure plan prepared for an activity centre as required under 7.2 of State Planning Policy 4.2, and includes what were previously referred to as an activity centre plan;

‘Planning approval’ means the planning approval of the WAPC as required under the MRS and this resolution, whether granted by the WAPC or by delegates of the WAPC including committees, or officers.

PL407

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT

Shire of Esperance

Local Planning Scheme No. 24—Amendment No. 7

Ref: TPS/2686

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 Esperance Local Planning Scheme amendment on 21 December 2021 for the purpose of—

1. Amending Table No. 4 Zoning and Land Use Table by making ‘Animal Establishment’ a ‘D’ use in the Rural Smallholdings zone.
2. Amending Table No. 4 Zoning and Land Use Table by making ‘Commercial Vehicle Parking’ an ‘A’ use in the Residential and Rural Townsite zone.
3. Amending Table No. 4 Zoning and Land Use Table by making ‘Repurposed Dwelling’ a ‘D’ use in the Rural Residential zone.
4. Amending Table No. 4 Zoning and Land Use Table by making ‘Telecommunications Infrastructure’ a ‘P’ use in all zones.
5. Amending Table No. 4 Zoning and Land Use Table by making ‘Grouped Dwelling’ a ‘D’ use in the Rural zone.
6. Amending Table No. 2 Specified additional uses for land in local reserves in Scheme area by deleting point 2 in conditions for AR3 and renumbering the clause accordingly.
7. Amending Clause 26.(4) replacing it with—

26.(4) Buildings on lots within the Residential zone fronting Castletown Quays and the portion of Twilight Beach Road west of Walker Street shall have a minimum primary street setback of 7.5 metres, unless considered in accordance with clause 64 of the deemed provisions or otherwise provided by Special Control Area provisions of this Scheme.
8. Amending Schedule A Clause 61. (u) by inserting ‘in areas subject to the R-Codes’ after ‘residential outbuilding’.

9. Amending Schedule 1 Clause 8 replacing it with—
- 8. Rural Zone Additional Dwelling Provisions**
- (a) The local government may only grant approval for an additional dwelling in the Rural zone in accordance with the following—
- (i) the total number of dwellings on the lot with an area between 40ha and 100ha (excluding any ancillary dwelling) will not exceed two;
 - (ii) the total number of dwellings on the lot with an area greater than 100ha (excluding any ancillary dwelling) will not exceed three;
 - (iii) the local government is satisfied that adequate provision can be made for the supply of domestic water and for the disposal of sewage from the additional dwelling/s;
 - (iv) the additional dwelling/s will not adversely affect the rural landscape or conflict with agricultural production on the subject lot or on adjoining land;
- (b) The approval of more than one (1) dwelling on any lot zoned Rural should not be construed as support for the subdivision of the lot. The subdivision of land within the Rural zone shall be in accordance with State planning policy and the Local Planning Strategy.
10. Amending Schedule 1 Clause 18 by inserting a new subclause as (e) as follows—
- (e) The height limit of a Renewable energy facility is only limited by the provisions of Schedule 2—Special Control Area No. 8.
11. Amending Schedule 1 Clause 18 by inserting a new subclause as (f) by moving Schedule 1 Clause 35(b) to subclause (f) and renumber the subclauses in Schedule 1 Clause 35 taking note of the deletion.
12. Amending Schedule 2 by inserting a new Clause 11 as follows—
11. SCA 11—Modified Sewerage Sensitive Areas Special Control Area
- (a) The purpose of SCA 11 is to identify a Sewage Sensitive Area, consistent with the Analysis of Surficial Ground Water Landscapes and Hydrological Pathways linking the Ramsar Listed Lake Warden Wetlands (24 August 2018) by Tilo Massenbauer and as shown on the Scheme Map, that is in addition to the Sewage Sensitive Areas defined by State Policy.
- (b) Objectives
- The objectives of SCA 11 are to—
- (i) identify land that has been designated as a Sewage Sensitive Area;
 - (ii) ensure that the development and use of land does not detrimentally impact on a Sewage Sensitive Area; and
 - (iii) implement Scheme controls that are designed to mitigate any adverse effects on a Sewage Sensitive Area.
- (c) Application Requirements
- (i) Despite any other provision of the Scheme development approval is required for all land use and development where on-site effluent disposal is proposed and connection to a reticulated sewerage system is not required.
- (d) Development Requirements
- (i) Compliance with the State policy governing the provision of sewerage infrastructure and on-site sewage disposal as it relates to land use planning for Sewage Sensitive Areas.
Note: Government Sewerage Policy will be superseded by updated State Planning Policy 2.9 - Planning for Water
 - (ii) Where a lot is also located within SCA 4—Public Drinking Water Source Protection Areas the requirements of SCA 4 will apply in addition to the requirements of SCA 11.
Note: The report referenced in clause 11. (a) can be found in the Shire’s Electronic document and records management system—Ref: D18/20641.
13. Amending the Scheme Map by inserting SCA 11 as depicted on the Scheme Amendment Map.
14. Amending Schedule 3 by deleting A3 and delete A3 from Lot 83 Lalor Drive, Windabout as depicted on the Scheme Amendment Map.
15. Amending Schedule 3 by deleting A8 and delete A8 from Lot 5 Downes Street, Pink Lake as depicted on the Scheme Amendment Map.
16. Amending Schedule 3 by inserting ‘Consulting Rooms’ as a ‘D’ use in the column Additional Use(s) of A6.
17. Amending Schedule 3 by replacing ‘Portion Lot 9002 Eleven Mile Beach Road, Pink Lake with Portion of Lot 770 Spencer Road, Pink Lake in A16 and amend the Scheme Map as depicted on the Scheme Amendment Map.
18. Amending Schedule 3 and the Scheme Map as depicted on the scheme Amendment Map by adding an Additional Use with the following—

No.	Location	Base Zone	Additional Use(s)	Development Standards/Conditions
A23	Lot 2 Pink Lake Road, Pink Lake	Rural Residential	As a 'D' use— <ul style="list-style-type: none"> • Home Store 	As determined by the local government.

19. Amending Schedule 3 and the Scheme Map as depicted on the Scheme Amendment Map by adding an Additional Use with the following—

No.	Location	Base Zone	Additional Use(s)	Development Standards/Conditions
A24	Lot 12 and 13 Warden Road, Chadwick	Rural Residential	As an 'A' use— <ul style="list-style-type: none"> • Community Purpose 	As determined by the local government.

20. Amending Schedule 5 by replacing 15.3.4 within SU4 with 'Measures may be implemented as part of the Noise Management Plan to avoid flights over residents areas.
21. Amending Schedule 5 by deleting SU6 and delete SU6 from a Portion of Reserve 27318 and Reserve 32048 by reclassifying Reserve 27318 as 'Public Open Space and Reserve 32048 as 'Private Community Purposes' as depicted on the Scheme Amendment Map.
22. Amending Schedule 5 by replacing 'Part Lot 63 on DP80539' with 'Lot 66 on Plan 415322' in the Description of land and deleting point (a) and deleting 'further' and 'greater than outlined in condition (a)' in (b) in the conditions of SU7.
23. Amending the Scheme Map by reclassifying Reserve 34788 and a portion Reserve 23527 from 'Public Open Space' to 'Environmental Conservation as depicted on the Scheme Amendment Map.
24. Amending the Scheme Map by reclassifying Reserve 4182 from 'Public Open Space' to 'Environmental Conservation' as depicted on the Scheme Amendment Map.
25. Amending the Scheme Map by rezoning a portion of Lot 300 Kalgoorlie Street, Lots 2, 24, 25, 26, 628, 629, 1 Sims Street and Lot 134 on Plan 226439 from 'Public Open Space' to 'Industrial Development' as depicted on the Scheme Amendment Map.
26. Amending the Scheme Map by rezoning a portion of Lot 204 on DP 416486 from 'Local Road' to 'Rural Townsite' as depicted on the Scheme Amendment Map.
27. Amending the Scheme Map by rezoning both portions of Lot 55 on Plan 12843 from 'Residential' to 'Local Road' as depicted on the Scheme Amendment Map.
28. Amending the Scheme Map by amending Lot 202 on Plan 39677 Fisheries Road, Bandy Creek from 'Public Open Space' to 'Private clubs, institutions and place of worship' as depicted on the Scheme Amendment Map.
29. Amending the Scheme by inserting a new clause in Schedule 1 as follows—

39. Mosquito Nuisance Notification.

- (a) The mosquito nuisance area is defined as all land within 5km of the Lake Warden Wetland System as defined in the Lake Warden Wetland System (LWWS), Esperance Initial Environmental Impact Assessment by the then Department of Environment and Conservation 1 July 2008.
- (b) At the subdivision stage the Western Australian Planning Commission impose a condition requiring the subdivider to make arrangements with the Commission for a notification in accordance with Section 165 of the *Planning and Development Act 2005* to be placed on the certificate's, title which will inform lot owners and prospective purchasers of the potential mosquito risk.
- (c) The local government may impose a condition on its development approval for any habitable building as defined in Clause 78A of the Deemed Provisions requiring a Section 70A notification under the *Transfer of Land Act 1893* stating 'The subject land occasionally experiences considerable problems with nuisance and disease carrying mosquitoes. These mosquitoes are known carriers of Ross River (RRV) and Barmah Forest (NFV) viruses. Human cases of RRV and BFV diseases occur in some years in this general locality.

30. Amending Schedule 3 and the Scheme Map as depicted on the Scheme Amendment Map by adding an Additional Use with the following—

No.	Location	Base Zone	Additional Use(s)	Development Standards/Conditions
A25	Lots 1, 27, 29, 41-44 and 63 Shark Lake Road Monjngup	Rural Residential	On Lot 63 Shark Lake Road only, as a 'D' use— <ul style="list-style-type: none"> • Grouped dwelling On all lots as an 'A' use. <ul style="list-style-type: none"> • Workforce accommodation 	The number of Grouped Dwellings on Lot 63 Shark Lake Road shall not exceed two (excluding an ancillary dwelling).

31. Amending the Scheme throughout by replacing all references to the zone name 'Private Community Purposes' with 'Private clubs, institutions and places of worship' and amend scheme map titles accordingly.
32. Review and where necessary modify the amendment to address any editorial matters to correct formatting, numbering, administrative errors and include any changes necessary to reflect consistency with Schedules 1 and 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and necessary modifications to the Scheme Amendment Maps.

I. MICKEL, President.
M. SCOTT, 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 12(c) of the *Interpretation Act 1984*, has approved the following temporary appointment—

Hon. S. M. Ellery MLC to act temporarily in the office of Minister for Transport; Planning; Ports in the absence of the Hon. R. Saffioti MLA for the period 10 to 12 January 2022 (both dates inclusive).

E. ROPER, Director General, Department of the Premier and Cabinet.

PR402

INTERPRETATION ACT 1984

MINISTERIAL ACTING ARRANGEMENTS

It is hereby notified for public information that the temporary appointment by the Governor, in accordance with Section 12(c) of the *Interpretation Act 1984*, of the Hon. S. F. McGurk MLA as Minister for Regional Development; Agriculture and Food; Hydrogen Industry during the period 9 to 14 January 2022 (both dates inclusive), has been cancelled.

This notice supersedes acting arrangements relating to the above office that were published in *Government Gazette* No. 220 of 24 December 2021.

E. ROPER, Director General, Department of the Premier and Cabinet.

PR403

INTERPRETATION ACT 1984

MINISTERIAL ACTING ARRANGEMENTS

It is hereby notified for public information that the Governor, in accordance with section 12(c) of the *Interpretation Act 1984*, has approved the following temporary appointment—

Hon. S. F. McGurk MLA to act temporarily in the office of Minister for Regional Development; Agriculture and Food; Hydrogen Industry in the absence of the Hon. A. MacTiernan MLC for the period 31 January to 4 February 2022 (both dates inclusive).

E. ROPER, Director General, Department of the Premier and Cabinet.

PR404

INTERPRETATION ACT 1984

MINISTERIAL ACTING ARRANGEMENTS

It is hereby notified for public information that the Governor, in accordance with section 12(c) of the *Interpretation Act 1984*, has approved the following temporary appointment—

Hon. R. Saffioti MLA to act temporarily in the office of Minister for Housing; Lands; Homelessness; Local Government in the absence of the Hon. J. N. Carey MLA for the period 10 to 13 February 2022 (both dates inclusive).

E. ROPER, Director General, Department of the Premier and Cabinet.

PR405

INTERPRETATION ACT 1984
MINISTERIAL ACTING ARRANGEMENTS

It is hereby notified for public information that the Governor, in accordance with section 12(c) of the *Interpretation Act 1984*, has approved the following temporary appointment—

Hon. W. J. Johnston MLA to act temporarily in the office of Minister for Child Protection; Women's Interests; Prevention of Family and Domestic Violence; Community Services in the absence of the Hon. S. F. McGurk MLA for the period 9 to 25 April 2022 (both dates inclusive).

E. ROPER, Director General, Department of the Premier and Cabinet.

PR406

INTERPRETATION ACT 1984
MINISTERIAL ACTING ARRANGEMENTS

It is hereby notified for public information that the Governor, in accordance with section 12(c) of the *Interpretation Act 1984*, has approved the following temporary appointment—

Hon. W. J. Johnston MLA to act temporarily in the office of Minister for Finance; Aboriginal Affairs; Racing and Gaming; Citizenship and Multicultural Interests in the absence of the Hon. Dr A. D. Buti MLA for the period 26 February to 5 March 2022 (both dates inclusive).

E. ROPER, Director General, Department of the Premier and Cabinet.

RACING, GAMING AND LIQUOR

RA401

RACING AND WAGERING WESTERN AUSTRALIA ACT 2003
RWWA RULES OF THOROUGHBRED, HARNESS AND GREYHOUND RACING

In accordance with Section 45 (1) (a), (b) and (c) of the *Racing and Wagering Western Australia Act 2003*, notice is hereby given that the Board of Racing and Wagering WA on 10 January 2022 resolved to make and adopt the following rules of racing within the RWWA Rules of Thoroughbred Racing 2019, RWWA Rules of Harness Racing 2004 and RWWA Rules of Greyhound Racing 2008.

Mandatory Vaccination
(Thoroughbred)—Local Rule (LR) 13B
(Harness)—Local Rule (LR) 91A
(Greyhounds)—Local Rule (LR) 15M

1. Any person (other than a greyhound owner), who is licenced or approved by RWWA or who is otherwise authorised by the RWWA Rules of Racing or stewards to conduct any activity associated with the running of a race meeting, trials, trackwork or similar must be fully vaccinated and ensure their staff and contractors involved in such activities are fully vaccinated by 12.01am on 5 February 2022.
2. Fully vaccinated means having received at least two doses of a registered COVID-19 vaccination and a booster vaccination within one month of being deemed eligible to receive it (noting that government directions and health advice on the timing of booster vaccinations may change from time to time).
3. The licence, approval or authority of any person who is not fully vaccinated by 12.01am on 5 February 2022 will be suspended until such time as they comply with (1) or such time that this rule ceases to be in effect. (NB—a person will be unable to undertake any activity associated with such licence or authority while the suspension continues).
4. Any person who is not compliant with (1) shall be excluded from attending RWWA approved stables and/or training establishments, any race tracks, trial tracks or other venues controlled or operated by RWWA.
5. Any person required to comply with the requirement at (1) must provide proof of vaccination to RWWA. Proof of vaccination must be provided in one of the following forms—
 - a. Medicare COVID-19 digital certificate or printed vaccination certificate from the Australian Immunisation Register; or
 - b. Medicare Immunisation History Statement.
6. Proof of vaccination must be provided to RWWA in the prescribed form as outlined in (5) by Saturday 29 January 2022.

7. A person is exempt, or temporarily exempt, from the requirement at (1) if the person has a medical exemption recorded on the Australian Immunisation Register or a temporary exemption issued to the person by the Chief Health Officer of Western Australia or their delegate.
8. A person is temporarily exempt from the requirement at 6 if there are technical, administrative, or other factors outside the person's control which prevent compliance and RWWA issues an exemption on this basis.
9. RWWA will only collect and use the evidence provided in accordance with this rule for the purpose of ensuring compliance with the rule or as required by law. Evidence provided in accordance with this rule will be stored on a secure database with restricted access and permanently deleted when no longer needed.
10. Any person required to comply with (1) must produce, if requested to do so by RWWA or an authorised person, their photo ID and proof of vaccination as set out in (5). For example, a steward may request this at a race meeting. A person who refuses or fails to comply with such a request must immediately leave the premises where the refusal or failure to comply occurred and can be removed from the premises if required.
11. Any person who—
 - a. Attends any RWWA-approved stable and/or training establishment, race track, trial track or other venue controlled or operated by RWWA when not fully vaccinated in accordance with this rule; or
 - b. Refuses or fails to comply with a request to provide proof of vaccination as specified in (5), commits an offence and is liable to penalty.
12. This rule comes into effect on 5 February 2022 and remains in effect until further advised by RWWA.

A copy of the above rules may be obtained during office hours from the RWWA offices at 14 Hasler Road, Osborne Park 6017, WA or Racing and Wagering Western Australia website, www.rwwa.com.au.

IAN EDWARDS, Chief Executive Officer.

PUBLIC NOTICES

ZZ401

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

In the matter of the estate of John Edward Ford, late of 3925 Phillips Road, Mahogany Creek, in the State of Western Australia, deceased.

Creditors and other persons having claims to which Section 63 of the *Trustees Act 1962* relate in respect of the estate of the deceased, who died on 27/05/2021, are required by the Executor Andrew Edward Ford and Melissa Khim Ford, to send the particulars of their claim to Messrs Taylor Smart of Level 2, 100 Railway Road, Subiaco, in the State of Western Australia, by 16 February 2022, after which date the said Executor may convey or distribute the assets, having regard only to the claims of which they then has had notice.

Dated the 12th of January 2022.

GLEN BERNARD GILES, Taylor Smart.

ZZ402

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Giovina Civitella late of Little Sisters of the Poor Glendalough Home, 2 Rawlins Street, Glendalough, Western Australia, who died on 29 August 2021.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962* relates) in respect of the estate of the deceased, who died on 29 August 2021, are required by the Executor of the estate, Mark Jason Civitella of care of GG Legal, PO Box 61, South Fremantle, Western Australia 6162 to send particulars of their claims to him at the address stated herein within 30 days of this notice, after which date the Executor may convey or distribute the assets, having regard only to the claims of which he then has notice.

ZZ403**TRUSTEES ACT 1962****DECEASED ESTATES**

Notice to Creditors and Claimants

In the estate of Eleanor Noel Jefferies who died on 26 April 2021, of Meath Care Como, 80-82 Henley Street, Como 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 person are required by the Executor of the deceased's estate being Peter Angus Tibbits, care of Angus Tibbits Solicitors, Suite 9, 73 Calley Drive, Leeming Western Australia, to send particulars of their claims to him by 18 February 2022, after which date the Executor may convey or distribute the assets having regard only to the claims of which he then has notice.

ZZ404**TRUSTEES ACT 1962****DECEASED ESTATES**

Notice to Creditors and Claimants

In the estate of Jann Elizabeth Stirling who died on 23 July 2021, of 143 Normanby Road, Inglewood, 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 person are required by the Executors of the deceased's estate being Mohi Josef Kingi and Steven Ngawhika Kingi, both of 143 Normanby Road, Inglewood, care of Angus Tibbits Solicitors, Suite 9, 73 Calley Drive, Leeming Western Australia, to send particulars of their claims to them by 18 February 2022, after which date the Executors may convey or distribute the assets having regard only to the claims of which they then have notice.
