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**CONTENTS**

**PART 1**

	Page
Bulk Handling Act 1967—Correction to Reprint .....	306
East Perth Redevelopment Act 1991—East Perth Redevelopment (Subtracted Area) Amendment Regulations 2003 .....	306-7
Plant Diseases Act 1914—Plant Diseases Amendment Regulations 2004 .....	305-6
Public Meetings and Processions Act 1984—Public Meetings and Processions (Authorised Officers) Determination 2004 .....	307-20
Taxi Act 1994—Taxi Amendment Regulations (No. 2) 2004 .....	320-5

**PART 2**

Agriculture .....	326
Consumer and Employment Protection .....	327-8
Education .....	328
Heritage .....	328-9
Minerals and Petroleum .....	329-30
Planning and Infrastructure .....	330-7
Premier and Cabinet .....	337
Public Notices .....	339-40
Racing, Gaming and Liquor .....	338
Transport .....	338-9

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Readers are urged to check *Gazettes* accordingly, prior to contacting State Law Publisher.

JOHN A. STRIJK, Government Printer.

# — PART 1 —

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## AGRICULTURE

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AG301\*

Plant Diseases Act 1914

### Plant Diseases Amendment Regulations 2004

Made by the Governor in Executive Council.

#### 1. Citation

These regulations may be cited as the *Plant Diseases Amendment Regulations 2004*.

#### 2. The regulations amended

The amendments in these regulations are to the *Plant Diseases Regulations 1989\**.

[\* Reprinted as at 20 September 2002.

For amendments to 5 January 2004 see *Western Australian Legislation Information Tables for 2002, Table 4, p. 282, and Gazette 17 June, 29 July and 31 October 2003.*]

#### 3. Schedule 1 amended

- (1) Schedule 1 Part AA is amended by inserting in its appropriate alphabetical position the following item —

“

Apple machinery or equipment (used) ..... 50

”

- (2) Schedule 1 Part B is amended by inserting after item 49 the following item —

“

50. Apple machinery or equipment (used) — apple scab  
(*Venturia inaequalis*)

Entry into Western Australia is prohibited unless the machinery or equipment —

- (a) has been treated with an approved biocide; and

- (b) does not contain any porous part that, in the opinion of an inspector —
- (i) is capable of carrying apple scab (*Venturia inaequalis*); and
  - (ii) cannot be effectively treated with an approved biocide.

”.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

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## JUSTICE

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JU101

*Correction to Reprint*

### **BULK HANDLING ACT 1967**

Reprinted as at 5 December 2003.

At page 29 in the Compilation table, in the column headed “Commencement”, in the entry for “*Bulk Handling Repeal Act 2000*”, the words “balance expired 6 Jul 2003 (see s. 2 and 5)” should be deleted and the following inserted instead—

“ balance not in operation (see s. 2) ”.

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## PLANNING AND INFRASTRUCTURE

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PI301\*

East Perth Redevelopment Act 1991

### **East Perth Redevelopment (Subtracted Area) Amendment Regulations 2003**

Made by the Governor in Executive Council.

#### **1. Citation**

These regulations may be cited as the *East Perth Redevelopment (Subtracted Area) Amendment Regulations 2003*.

#### **2. The regulations amended**

The amendments in these regulations are to the *East Perth Redevelopment (Subtracted Area) Regulations 2002\**.

[\* *Published in Gazette 25 January 2002, p. 463-71.*]

**3. Regulation 7 amended**

Regulation 7(2) is amended by deleting “2” and inserting instead —

“ 5 ”.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

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**POLICE**


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PO301\*

Public Meetings and Processions Act 1984

## Public Meetings and Processions (Authorised Officers) Determination 2004

Made by the Commissioner of Police under section 6 of the Act.

**1. Citation**

This determination may be cited as the *Public Meetings and Processions (Authorised Officers) Determination 2004*.

**2. Revocation**

The *Authorised Officers Determination 1984* and the *Public Meetings and Processions (Authorised Officers) Determination 1986* are revoked.

**3. Delegation**

For the purposes of section 6 of the Act, the Commissioner delegates the duties imposed and the powers conferred upon the Commissioner to a person holding a position specified in Schedule 1 Column 1 in relation to the part of the State referred to in Schedule 1 Column 2 corresponding to that position.

### Schedule 1 — Delegates under section 6 of the Act

[cl. 3]

#### Table

Column 1	Column 2
Deputy Commissioner	The whole of the State.
Assistant Commissioner (Traffic Operations and Support)	The whole of the State.

Column 1	Column 2
Divisional Superintendent (Traffic Support)	The whole of the State.
Inspector Support Operations (Traffic Support)	The whole of the State.
Inspector Traffic Services (Traffic Support)	The whole of the State.
Superintendent and Inspector Kimberley District	The area consisting of the local government districts of Broome, Derby-West Kimberley, Halls Creek, Wyndham-East Kimberley, and all islands adjacent to those districts.
Superintendent and Inspector Pilbara District	<p>The area consisting of all the land bounded by a line starting from a point on the seashore where the northern boundary of East Pilbara local government district meets the seashore and extending —</p> <ul style="list-style-type: none"> <li>• generally easterly, southerly and easterly along that boundary to its intersection with the Western Australia/Northern Territory Border;</li> <li>• then south along that border to the intersection of the northern boundary of Ngaanyatjarraku local government district;</li> <li>• then west along that boundary to its intersection with the northern boundary of Wiluna local government district;</li> <li>• then west, south and west along that boundary to its intersection with the eastern boundary of the Meekatharra local government district;</li> <li>• then generally south-westerly along that boundary to its intersection with the northern boundary of Marymia pastoral lease;</li> <li>• then west, south and west along that boundary to its intersection with the northern boundary of Three Rivers pastoral lease;</li> <li>• then west along that boundary to its intersection with the northern boundary of an unnamed area;</li> <li>• then west along that boundary to its intersection with the eastern boundary of Mingah Springs pastoral lease;</li> <li>• then north and westerly along that boundary to its intersection</li> </ul>

Column 1	Column 2
<p>Superintendent and Inspector Mid-West Gascoyne District</p>	<p>with the eastern boundary of Mulgul pastoral lease;</p> <ul style="list-style-type: none"> <li>• then north, west and north along that boundary to its intersection with the western boundary of Tangadee pastoral lease;</li> <li>• then north along that boundary to its intersection with the southern boundary of Mt Vernon pastoral lease;</li> <li>• then generally north-westerly and westerly along that boundary to its intersection with the eastern boundary of Upper Gascoyne local government district;</li> <li>• then generally westerly along that boundary to the eastern boundary of Carnarvon local government district;</li> <li>• then generally north-westerly, westerly and northerly along that boundary to the southern boundary of Marrilla pastoral lease;</li> <li>• then west along that boundary to its intersection with the western boundary of Winning pastoral lease;</li> <li>• then south along that boundary to its intersection with the northern boundary of Mia Mia pastoral lease;</li> <li>• then west, south and west along that boundary to its intersection with the eastern boundary of Warroora pastoral lease;</li> <li>• then generally northerly and west along that boundary to its intersection with the seashore;</li> <li>• then generally northerly and north-easterly along the seashore to the starting point,</li> </ul> <p>and all islands adjacent to that land.</p> <p>The area consisting of all the land bounded by a line from a point on the seashore where the southern boundary of Cardabia pastoral lease meets the seashore and extending —</p> <ul style="list-style-type: none"> <li>• east and south along that boundary to its intersection with the northern boundary of Mia Mia pastoral lease;</li> </ul>

Column 1	Column 2
	<ul style="list-style-type: none"> <li>• then west, north and west along that boundary to its intersection with the western boundary of Winning pastoral lease;</li> <li>• then north along that boundary to its intersection with the southern boundary of Marrilla pastoral lease;</li> <li>• then east along that boundary to its intersection with the eastern boundary of Carnarvon local government district;</li> <li>• then generally southerly and easterly along that boundary to its intersection with the northern boundary of Upper Gascoyne local government district;</li> <li>• then generally easterly along that boundary to its intersection with the western boundary of Meekatharra local government district;</li> <li>• then south, east and south along that boundary to its intersection with the most southern boundary of Mt Vernon pastoral lease;</li> <li>• then generally easterly and south-easterly along that boundary to its intersection with the western boundary of Tangadee pastoral lease;</li> <li>• then south along that boundary to its intersection with the eastern boundary of Mulgul pastoral lease;</li> <li>• then south, east and south along that boundary to its intersection with the northern boundary of Mingah Springs pastoral lease;</li> <li>• then easterly and southerly along that boundary to its intersection with the northern boundary of an unnamed area;</li> <li>• then east along that boundary to its intersection with the northern boundary of Three Rivers pastoral lease;</li> <li>• then east along that boundary to its intersection with the northern boundary of Marymia pastoral lease;</li> </ul>

Column 1	Column 2
<p>Superintendent and Inspector Goldfields-Esperance District</p>	<ul style="list-style-type: none"> <li>• then east, north and east along that boundary to its intersection with the eastern boundary of Meekatharra local government district;</li> <li>• then generally north-easterly along that boundary to its intersection with the northern boundary of Wiluna local government district;</li> <li>• then east, north and east along that boundary to the western boundary of Ngaanyatjarraku local government district;</li> <li>• then south along that boundary to the northern boundary of Laverton local government district;</li> <li>• then generally west and southerly along that boundary to the northern boundary of Leonora local government district;</li> <li>• then west along that boundary to the eastern boundary of Sandstone local government district;</li> <li>• then generally southerly and south-westerly along that boundary to its intersection with the northern boundary of Mt Marshall local government district;</li> <li>• then generally westerly and south-westerly along that boundary to its intersection with the northern boundary of Dalwallinu local government district;</li> <li>• then generally westerly, southerly and westerly along that boundary to its intersection with the eastern boundary of Coorow local government district;</li> <li>• then generally southerly and westerly along that boundary to its intersection with the seashore;</li> <li>• then generally northerly along the seashore to the starting point, and all islands adjacent to that land.</li> </ul> <p>The area consisting of the local government districts of Coolgardie, Dundas, Esperance,</p>

Column 1	Column 2
Superintendent and Inspector Wheatbelt District	Kalgoorlie-Boulder, Laverton, Leonora, Menzies, Ngaanyatjarraku, Ravensthorpe, Yilgarn, and all islands adjacent to those districts.  The area consisting of the local government districts of Beverley, Bruce Rock, Chittering, Cunderdin, Dalwalinu, Dandaragan, Dowerin, Gingin, Goomalling, Kellerberrin, Koorda, Merredin, Moora, Mt Marshall, Mukinbudin, Northam Town, Northam Shire, Nungarin, Quairading, Tammin, Toodyay, Trayning, Victoria Plains, Westonia, Wongan-Balidu, Wyalkatchem, York, and all islands adjacent to those districts.
Superintendent and Inspector Great Southern District	The area consisting of — <ul style="list-style-type: none"> <li data-bbox="775 887 1220 1346">• the local government districts of Albany, Brookton, Broomehill, Corrigin, Cranbrook, Cuballing, Denmark, Dumbleyung, Gnowangerup, Jerramungup, Katanning, Kent, Kojonup, Kondinin, Kulin, Lake Grace, Narembeen, Narrogin Town, Narrogin Shire, Plantagenet, Tambellup, Wagin, Wandering, West Arthur, Wickepin, Williams, Woodanilling, and all islands adjacent to those districts; and</li> <li data-bbox="775 1361 1193 1559">• the localities of Walpole, Walpole West and North Walpole in the Manjimup local government district, and all islands adjacent to those localities.</li> </ul>
Superintendent and Inspector Peel District	The area consisting of the local government districts of Boddington, Mandurah, Murray, Serpentine-Jarrahdale, Waroona, and all islands adjacent to those districts.
Superintendent and Inspector South West District	The area consisting of — <ul style="list-style-type: none"> <li data-bbox="775 960 1220 2024">• the local government districts of Augusta-Margaret River, Boyup Brook, Bridgetown-Greenbushes, Bunbury, Busselton, Capel, Collie, Dardanup, Donnybrook-Balingup, Harvey, Nannup; and</li> <li data-bbox="775 2033 1193 2101">• the local government district of Manjimup, excluding the</li> </ul>

Column 1	Column 2
<p>Superintendent and Inspector Central Metropolitan District</p>	<p>localities of Walpole, Walpole West and North Walpole, and all islands adjacent to those districts.</p> <p>The area consisting of all the land bounded by a line starting from a point on the seashore where the southern boundary of Scarborough locality intersects the seashore and extending —</p> <ul style="list-style-type: none"> <li>• generally easterly along that boundary to its intersection with the western boundary of Wembley Downs locality;</li> <li>• then generally southerly, easterly and south-easterly along that boundary to its intersection with the northern boundary of Floreat locality;</li> <li>• then generally south-easterly and northerly along that boundary to its intersection with the southern boundary of Churchlands locality;</li> <li>• then east, south-east and east along that boundary to its intersection with the western boundary of Wembley locality;</li> <li>• then north, east and north-easterly along that boundary to its intersection with the southern boundary of Glendalough locality;</li> <li>• then generally east, north and easterly along that boundary to its intersection with the western boundary of Mt Hawthorn locality;</li> <li>• then generally northerly along that boundary and easterly along the northern boundary of Mt Hawthorn locality to its intersection with the northern boundary of North Perth locality;</li> <li>• then generally easterly and south-easterly along that boundary to its intersection with the western boundary of Mt Lawley locality;</li> <li>• then generally southerly, easterly and south-easterly along that boundary to its intersection with</li> </ul>

Column 1	Column 2
	<p>the right bank of the Swan River and onwards to the centre of the Swan River;</p> <ul style="list-style-type: none"> <li>• then downstream along the centre of the Swan River, the centre of the south eastern channel adjacent to Heirisson Island and again along the centre of the Swan River to a point adjacent to where the northern boundary of North Fremantle locality meets the right bank of the Swan River and onwards to that point;</li> <li>• then generally north-westerly and westerly along that boundary to its intersection with the seashore;</li> <li>• then generally northerly along the seashore to the starting point, and all islands adjacent to that land.</li> </ul>
Superintendent and Inspector North West Metropolitan District	The area consisting of the Joondalup and Wanneroo local government districts and all islands adjacent to that land.
Superintendent and Inspector East Metropolitan District	<p>The area consisting of all the land bounded by a line starting from a point where the northern and western boundaries of Swan local government district meet and extending —</p> <ul style="list-style-type: none"> <li>• generally easterly and southerly along the northern boundary to its intersection with the northern boundary of Mundaring local government district;</li> <li>• then generally southerly and westerly along that boundary to its intersection with the eastern boundary of Kalamunda local government district;</li> <li>• then generally southerly and westerly and north-westerly along that boundary to its intersection with the eastern boundary of Welshpool locality;</li> <li>• then northerly along that boundary to its intersection with the eastern boundary of Kewdale locality;</li> <li>• then north-easterly and north-westerly along that boundary to its intersection with the eastern boundary of Perth Airport locality;</li> </ul>

Column 1	Column 2
<p>Superintendent and Inspector West Metropolitan District</p>	<ul style="list-style-type: none"> <li>• then generally north-easterly and north-westerly along that boundary to its intersection with the eastern boundary of Redcliffe locality;</li> <li>• then north-westerly along that boundary and the eastern boundary of Ascot locality to the intersection of those boundaries with the left bank of the Swan River;</li> <li>• then onwards across the river to the centre of the Swan River;</li> <li>• then downstream along the centre of the Swan River to a point adjacent to where the western boundary of Bassendean local government district meets the Swan River and onwards to that point;</li> <li>• then generally north-westerly and northerly along that boundary to its intersection with the western boundary of Swan local government district;</li> <li>• then north and west along that boundary to its intersection with the eastern boundary of Noranda locality;</li> <li>• then northerly and easterly along that boundary to its intersection with the western boundary of Swan local government district;</li> <li>• then generally northerly along that boundary to the starting point.</li> </ul> <p>The area consisting of all the land bounded by a line starting from a point on the seashore where the northern boundary of Stirling local government district intersects the seashore and extending —</p> <ul style="list-style-type: none"> <li>• generally easterly along that boundary to its intersection with the eastern boundary of Swan local government district;</li> <li>• then generally southerly along that boundary to its intersection with the northern boundary of Noranda locality;</li> <li>• then generally easterly and southerly along that boundary to</li> </ul>

Column 1	Column 2
	<p>its intersection with the northern boundary of Bayswater local government district;</p> <ul style="list-style-type: none"> <li>• then generally easterly, southerly and south-easterly along that boundary to its intersection with the right bank of the Swan River and onwards to the centre of the Swan River;</li> <li>• then downstream along the centre of the Swan River to a point adjacent to where the southern boundary of Mt Lawley meets the right bank of the Swan River and onwards to that point;</li> <li>• then generally north-westerly along that boundary to its intersection with the eastern boundary of North Perth locality;</li> <li>• then northerly, north-westerly and westerly along that boundary to its intersection with the northern boundary of Mt Hawthorn locality;</li> <li>• then generally westerly and southerly along that boundary to its intersection with the northern boundary of Wembley locality;</li> <li>• then generally westerly and south-westerly along that boundary to its intersection with the eastern boundary of Churchlands locality;</li> <li>• then south along that boundary to its intersection with the northern boundary of Floreat locality;</li> <li>• then west, north-west and west along that boundary to its intersection with the eastern boundary of Wembley Downs locality;</li> <li>• then generally southerly and north-westerly along that boundary to its intersection with the eastern boundary of City Beach locality;</li> <li>• then generally northerly, west and north along that boundary to its intersection with the southern boundary of Scarborough locality;</li> </ul>

Column 1	Column 2
<p>Superintendent and Inspector South East Metropolitan District</p>	<ul style="list-style-type: none"> <li>• then west along that boundary to the intersection of that boundary with the seashore;</li> <li>• then generally northerly along the seashore to the starting point, and all islands adjacent to that land.</li> </ul> <p>The area consisting of all the land bounded by a line starting from a point on the left bank of the Swan River where the eastern boundary of Ascot locality intersects the river and extending —</p> <ul style="list-style-type: none"> <li>• south-easterly along that boundary to its intersection with the eastern boundary of Redcliffe locality;</li> <li>• then south-easterly along that boundary to its intersection with Perth Airport locality;</li> <li>• then generally north-easterly, south-easterly and south-westerly along that boundary to its intersection with the north-eastern boundary of Kewdale locality;</li> <li>• then south-easterly along that boundary to its intersection with the western boundary of Wattle Grove locality;</li> <li>• then south-westerly and south along that boundary to its intersection with the north-eastern boundary of Kenwick;</li> <li>• then generally south-easterly, north-easterly and south-easterly along that boundary to its intersection with the western boundary of Orange Grove locality;</li> <li>• then generally north-easterly and south-easterly along that boundary to its intersection with the northern boundary of Martin locality;</li> <li>• then generally easterly and southerly along that boundary to its intersection with the northern boundary of Armadale local government district;</li> <li>• then generally easterly, southerly, south-easterly, and</li> </ul>

Column 1	Column 2
	<p>westerly along that boundary to its intersection with the northern boundary of Serpentine-Jarrahdale local government district;</p> <ul style="list-style-type: none"> <li>• then generally westerly, south-westerly, westerly, northerly and westerly along that boundary to its intersection with the western boundary of Forrestdale locality;</li> <li>• then north and north-easterly along that boundary to its intersection with the southern boundary of Canning Vale locality;</li> <li>• then generally north-westerly and north-easterly along that boundary to its intersection with the eastern boundary of Leeming locality;</li> <li>• then north westerly and north easterly along that boundary to its intersection with the southern boundary of Willetton locality;</li> <li>• then north westerly and westerly along that boundary to the southern boundary of Rossmoyne locality;</li> <li>• then westerly, south-westerly, westerly and north along that boundary to the left bank of Bull Creek and onwards to the centre of Bull Creek;</li> <li>• then generally northerly along the centre of Bull Creek to where it meets the Canning River and onwards to the centre of Canning River;</li> <li>• then generally northerly along the centre of the Canning River to where Canning River meets the Swan River and onwards to the centre of the Swan River;</li> <li>• then upstream along the centre of the Swan River, the centre of the south eastern channel adjacent to Heirisson Island and again the centre of the Swan River to a point adjacent to the starting point and onwards to that point.</li> </ul>

Column 1	Column 2
Superintendent and Inspector South Metropolitan District	<p>The area consisting of all the land bounded by a line starting from a point on the seashore where the northern boundary of North Fremantle locality intersects the seashore and extending —</p> <ul style="list-style-type: none"> <li>• generally easterly and south-easterly along that boundary to its intersection with the right bank of the Swan River and onwards across to the centre of the Swan River;</li> <li>• then upstream along the centre of the Swan River to a point adjacent to where the Swan River meets the Canning River and onwards to that point;</li> <li>• then upstream along the centre of the Canning River to a point adjacent to where Canning River meets Bull Creek and onwards to the centre of Bull Creek;</li> <li>• then generally southerly along the centre of Bull Creek to a point adjacent to the eastern boundary of Brentwood locality;</li> <li>• then south to the eastern boundary of Brentwood locality and onwards along that boundary to its intersection with the northern boundary of Bull Creek locality;</li> <li>• then easterly, north-easterly and east along that boundary to its intersection with the western boundary of Willetton locality;</li> <li>• then southerly along that boundary to its intersection with the northern boundary of Leeming locality;</li> <li>• then generally easterly and south-easterly along that boundary to its intersection with the eastern boundary of Cockburn local government district;</li> <li>• then generally south-easterly, south-westerly and southerly along that boundary to its intersection with the eastern boundary of Kwinana local government district;</li> </ul>

Column 1	Column 2
	<ul style="list-style-type: none"> <li>• then generally southerly along that boundary to its intersection with the eastern boundary of the Rockingham local government district;</li> <li>• then generally southerly and westerly along that boundary to its intersection with the seashore;</li> <li>• then generally northerly along the seashore to the starting point, and all islands adjacent to that land.</li> </ul>

B. MATTHEWS, Commissioner of Police.

Date: 14 January 2004.

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## TRANSPORT

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TR301\*

Taxi Act 1994

### Taxi Amendment Regulations (No. 2) 2004

Made by the Governor in Executive Council.

**1. Citation**

These regulations may be cited as the *Taxi Amendment Regulations (No. 2) 2004*.

**2. The regulations amended**

The amendments in these regulations are to the *Taxi Regulations 1995\**.

[\* Reprinted as at 12 December 1997.

*For amendments to 23 December 2003 see Western Australian Legislation Information Tables for 2002, Table 4, p. 376, and Gazette 30 June 2003.]*

**3. Regulation 3 amended**

Regulation 3 is amended by inserting in the appropriate alphabetical position the following definition —

“

**“plying for hire”** includes the time spent waiting at a taxi rank by a driver when a vehicle is being used as a taxi by the driver;

”.

**4. Regulation 7 amended**

- (1) Regulation 7 is amended before “Where” by inserting the subregulation designation “(1)”.
- (2) At the end of regulation 7 the following subregulation is inserted —

“

- (2) The name of the taxi dispatch service involved is to be included on the fare schedule displayed under this regulation.

”

**5. Regulation 8 amended**

- (1) After regulation 8(1) the following subregulation is inserted —

“

- (1a) A driver shall not select a tariff for a passenger that is not the appropriate tariff as set out in the fare schedule required to be displayed in the taxi under regulation 7.

”

- (2) Regulation 8(2a) is amended by deleting “as payment or part-payment of a fare”.

- (3) After regulation 8(2a) the following subregulations are inserted —

“

- (2b) A driver shall not accept a voucher that contains information that the driver knows or ought to know to be false in a material particular.
- (2c) A person shall not tender a voucher to which they are not entitled, or that contains information that is false in a material particular.

”

**6. Regulation 11 amended**

Regulation 11 is amended by deleting “route.” and inserting instead —

“

route, once the hirer has informed the driver of the destination.

”

**7. Regulation 13 amended**

- (1) Regulation 13(1) is amended as follows:
  - (a) in paragraph (b) after “abusive” by inserting —  
“ or aggressive ”;
  - (b) in paragraph (c) after “abusive” by inserting —  
“ or aggressive ”;

- (c) after paragraph (c) by deleting “or”;
- (d) after paragraph (d) by deleting the full stop and inserting instead —  
“ ; or ”;
- (e) after paragraph (d) by inserting the following paragraph —  
“  
(e) the driver requires the hirer to pay a deposit under regulation 12, and the hirer does not pay it.  
”.

- (2) Regulation 13(2) is amended by inserting after “abusive” —  
“ or aggressive, ”.
- (3) After regulation 13(2) the following subregulation is inserted —  
“  
(3) A driver shall not terminate a hiring before reaching the agreed destination, for reasons other than those set out in subregulation (2).  
”.

#### **8. Regulation 13A amended**

- (1) Regulation 13A(1) is amended as follows:
  - (a) by deleting “occasion that —” and inserting instead —  
“  
occasion that the driver commences or completes a period during which he or she is operating the taxi.  
”;
  - (b) by deleting paragraphs (a), (b) and (c).
- (2) Regulation 13A(2) is repealed.

#### **9. Regulation 15 replaced**

Regulation 15 is repealed and the following regulation is inserted instead —

“

#### **15. Display of driver identification**

A driver shall display an approved identification card, in the form and manner directed by the Director General, —

- (a) in a prominent position in the taxi he or she is driving; and
- (b) in a position and in a manner that allows a passenger in the taxi to be able to read it from the front and the back seat.

”.

**10. Regulation 16 amended**

- (1) Regulation 16 is amended as follows:
- (a) by inserting before “A driver” the subregulation designation “(1)”;
  - (b) by inserting after “while engaged as a driver” —  
“ or when plying for hire ”;
  - (c) by deleting “if requested,” and inserting instead —  
“ offer reasonable assistance to ”.

- (2) At the end of regulation 16 the following subregulation is inserted —

“

- (2) A driver shall, while engaged as a driver or when plying for hire, comply with any lawful and reasonable request by the hirer relating to the hirer’s comfort, if that request would not interfere with the safe operation of the taxi.

”.

**11. Regulation 17B amended**

Regulation 17B(2) is repealed and the following subregulation is inserted instead —

“

- (2) A driver must wear the approved uniform of —
- (a) the taxi dispatch service shown on the fare schedule required to be displayed under regulation 7; or
  - (b) the independent operator whose vehicle the driver is using as a taxi,

at all times while engaged as a driver of a taxi or when plying for hire.

”.

**12. Schedule 1 replaced**

Schedule 1 is repealed and the following Schedule inserted instead —

“

**Schedule 1 — Offences for which infringement notices  
may be issued**

[r. 22(1)]

Item	Section of Act or Regulation	Description of Offence	Modified Penalty \$
1	Section 15(1)	Owner or driver of vehicle operating as a taxi within a control area without using taxi plates	500

<b>Item</b>	<b>Section of Act or Regulation</b>	<b>Description of Offence</b>	<b>Modified Penalty \$</b>
2	Section 20(2)	Failure to comply with conditions imposed under section 20(1), other than conditions relating to driver standards	250
3	Section 21(1)	Plate holder failing to ensure that plates used in manner directed	100
4	Section 21(2)	Using taxi plates on vehicle other than taxi	250
5	Section 25(1)	Failure to return taxi plates	150
6	Section 26	Provide or advertise an unregistered taxi dispatch service	250
7	Section 29(2)	Failure to comply with taxi dispatch service conditions	300
8	Section 32(5)	Operating taxi the operation of which prohibited	100
9	Section 32(6)	Failure to comply with notice or rectify defect	300
10	Section 36(2) and (5)	Offences relating to the issue of receipts and statements regarding driver bonds	100
11	Section 36(8)	Failure to return driver bond within 14 days of the driver ceasing to be contracted, engaged or employed	500
12	Regulation 7	Failure to ensure display of fare schedule	100
13	Regulation 8(1)	Charge more than fare shown on meter	200
14	Regulation 8(1a)	Selecting a tariff that is not the appropriate tariff as set out in the fare schedule	200
15	Regulation 8(2)	Failure to accept fare voucher	200
16	Regulation 8(2a)	Driver entering false or misleading information on fare voucher	200
17	Regulation 8(3)	Directing driver to contravene fare regulations	200
18	Regulation 9(2) and (3)	Offences relating to setting and stopping meter	200
19	Regulation 9A	Hirer failing to pay fare at termination of hiring or as agreed	100
20	Regulation 11	Driver failing to use most economical route	100

<b>Item</b>	<b>Section of Act or Regulation</b>	<b>Description of Offence</b>	<b>Modified Penalty \$</b>
21	Regulation 13(1)	Driver failing to accept hiring	200
22	Regulation 13(3)	Driver terminating a hiring prior to reaching the agreed destination	200
23	Regulation 13A(1)	Driver failing to inform provider of taxi dispatch service as required	100
24	Regulation 13A(3)	Driver giving incorrect information regarding their identity to the provider of a taxi dispatch service	200
25	Regulation 13B(1)	Driver obstructing, interfering with, damaging etc., a camera surveillance unit	100
26	Regulation 14	Driver failing to transport a guide dog	300
27	Regulation 15	Driver failing to display approved identification card	200
28	Regulation 16(1)	Offences relating to the conduct of drivers	200
29	Regulation 17	Offences relating to conduct of driver at taxi rank	200
30	Regulation 17B	Driver failing to wear uniform, uniform not clean etc.	200
31	Regulation 18(2)	Operating or driving taxi with an unsealed meter	250
32	Regulation 18(4) and (5)	Offences relating to meters	250

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

## — PART 2 —

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### AGRICULTURE

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AG401\*

#### AGRICULTURE AND RELATED RESOURCES PROTECTION ACT 1976

##### CANCELLATION OF APPOINTMENTS TO ZONE CONTROL AUTHORITIES

Agriculture Protection Board,  
South Perth, WA 6151.

Acting pursuant to Section 15 of the *Agriculture and Related Resources Protection Act 1976*, the Agriculture Protection Board hereby cancels the following Zone Control Authority appointments—

Name	ZCA
Mr James Barrow	Albany
Mr Nigel Metz	Jerramungup
Ms Frankie Griffiths	Jerramungup
Mr Peter Carter	Kalgoorlie
Mr Tony Quartermaine	Northam
Mr Bruce Storer	Northam

Acting pursuant to section 15.1 of the *Agriculture and Related Resources Protection Act 1976*, the Agriculture Protection Board hereby cancels the appointment of Mr David Doolan as Chairman of the Manjimup Zone Control Authority and as Deputy Chief Agriculture Protection Officer (DCAPO).

Dated the 20th day of January 2004.

CHRIS RICHARDSON, Chairman.

AG402\*

#### AGRICULTURE AND RELATED RESOURCES PROTECTION ACT 1976

##### APPOINTMENTS TO ZONE CONTROL AUTHORITIES

Agriculture Protection Board,  
South Perth, WA 6151.

Acting pursuant to Section 15 (3) of the *Agriculture and Related Resources Protection Act 1976*, the Agriculture Protection Board announces the following members as deputy chairs of their Zone Control Authorities—

Name	ZCA
Mr Nick Burges	Albany
Mr James Motter	Kimberley
Mr Malcolm Sims	Kalgoorlie
Mr Neville Marsh	Lake Grace
Ms Denyse Needham	Waroona

Acting pursuant to Section 15 (3) of the *Agriculture and Related Resources Protection Act 1976*, the Agriculture Protection Board hereby re-appoints the person listed below to be a member of the Zone Control Authority for the term indicated—

Member	ZCA	Expiry date of term
Mr Jack Bock	Jerramungup	1st August 2004

Acting pursuant to section 15 (12) of the *Agriculture and Related Resources Protection Act 1976*, the Agriculture Protection Board appoints the following to the Zone Control Authority for the term indicated—

Member	ZCA	Expiry date of term
Mr George Ebbett	Albany	1st August 2004
Mr James Dempster (proxy)	Albany	1st August 2004

Dated the 20th day of January 2004.

CHRIS RICHARDSON, Chairman.

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**CONSUMER AND EMPLOYMENT PROTECTION**

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CE401\*

**CONSUMER AFFAIRS ACT 1971**  
**ORDER (CURTAIN BLIND CORDS)**

I Patrick Walker Commissioner for Fair Trading in and for the State of Western Australia

Being in agreement with a recommendation by the Product Safety Committee and in pursuance of Section 23R(1) of the *Consumer Affairs Act 1971* permit the supply of the particular goods described in the Schedule 1 subject to the specifications contained in Schedule 2 and the conditions contained in Schedule 3

Dated this 14th day of January 2004.

PATRICK WALKER, Commissioner for Fair Trading.

**Schedule 1**

Goods described as **corded internal or external window covering** (“the covering”) meaning any interior or exterior drapery hardware or window-covering product (for example, a curtain, shade, blind, or traverse rod or track) that incorporates any of the following in its operation (other than solely as a tie-back for the covering):

- (a) a **looped bead chain** (being a series of small beads, equally spaced on a cord or connected by metal shafts, which is curved or doubled, or the ends of which are joined by a device, so as to form a closed loop),
- (b) a **looped cord** (being a form of rope, strap, or string which is curved or doubled, or the ends of which are joined by a device, so as to form a closed loop),
- (c) any other type of flexible looped device.

**Schedule 2**

1. The goods described in Schedule 1 must be designed so that the lowest point of any exposed looped cord, looped bead chain or other flexible looped device remains at all times more than 1600mm above the lowest point that the base of the covering can reach when it is in its fully lowered position.

2. Clause 1 does not apply in relation to an exposed looped cord, looped bead chain or other flexible looped device:

- (a) that is incapable of forming a loop with a circumference of greater than 300mm (for example, because the covering includes a means by which the exposed looped cord, looped bead chain or other flexible looped device can be secured or retracted), or
- (b) that has a cord release device:
  - (i) that passes the release test for such devices set out in Appendix A of ANSI A100 (See Schedule 5), and
  - (ii) that, in the case of a device that is intended to entirely detach from the covering when it releases its loop, does not, when tested in accordance with clause 5.2 (Small parts test) of AS/NZS ISO 8124 (See Schedule 5), fit entirely into the small parts cylinder referred to in that clause (whatever the device's orientation), or
- (c) that has a tension device that complies with the requirements of clause 6.5.4 of ANSI A100 (See Schedule 5).

3. This restriction shall apply to all corded internal or external window coverings supplied on or after 5 April 2004.

**Schedule 3**

1. Goods described in Schedule 1 must carry:

- (a) a warning label that complies with the requirements of clause 5.1.1 of ANSI A100 (See Schedule 5), or that complies with those requirements (including that for a pictogram) except that it substitutes the words of warning in that clause with the following:

**WARNING Looped cords, looped bead chains or other flexible looped devices may cause a strangulation hazard for children under 5 years. KEEP CORDS AND CHAINS OUT OF REACH OF CHILDREN,**

- (b) a warning tag that complies with the requirements of clause 5.1.2 of ANSI A100, but which refers to “cots” instead of “cribs”,
- (c) if the covering includes any safety device, an operational tag that explains how the device is designed to function.

2. A tag used for the purposes of subclause 1(b) or 1(c) must be attached to an internal and external window covering separately from the warning label referred to in subclause 1(a).

3. The same tag may be used for the purposes of both subclause 1(b) and 1(c) if:

- (a) the warning (including pictogram) contained on the tag in compliance with subclause 1(b) and any explanation contained on the tag in compliance with subclause 1(c) are kept distinct from each other, and

(b) the warning and any such explanation are clear and legible.

4. Goods described in Schedule 1 must be accompanied by written information that:

- (a) explains how to install the covering, and
- (b) explains how to install any safety device the covering has and how the device is designed to function, and
- (c) repeats the warning referred to in clause 1 (b).

5. This restriction shall apply to all corded internal or external window coverings supplied on or after 5 April 2004.

#### Schedule 4

Schedule 3 Clause 4 does not apply to a corded internal or external window covering that is custom made for installation by a person in the business of installing internal or external window coverings.

#### Schedule 5

**ANSI A100** means the American National Standard entitled American National Standard for Safety of Corded Window Covering Products and numbered ANSI/WCMA A100.1-1996, as approved by the American National Standards Institute on 27 November 1996.

**AS/NZS ISO 8124** means the Australian/New Zealand Standard entitled AS/NZS ISO 8124.1:2002, Safety of toys, Part 1: Safety aspects related to mechanical and physical properties (ISO 8124-1:2000, MOD), published on 16 May 2002.

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## EDUCATION

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ED401

### SCHOOL EDUCATION ACT 1999

#### APPROVAL TO ESTABLISH A JOINT COUNCIL

Under the provisions of section 126(1)(b) of the *School Education Act 1999*, I, Alan Carpenter, Minister for Education approve the establishment of a Council to operate jointly for Canning Vale Primary School and Canning Vale Education Support Centre.

ALAN CARPENTER, Minister for Education and Training.

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## HERITAGE

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HR401\*

### HERITAGE OF WESTERN AUSTRALIA ACT 1990

#### NOTICE OF ENTRY OF PLACES IN THE REGISTER OF HERITAGE PLACES

Notice is hereby given in accordance with Section 51(2) of the Heritage of Western Australia Act 1990 that, pursuant to directions from the Minister for Heritage, the places described in Schedule 1 have been entered in the Register of Heritage Places on a permanent basis with effect from today.

#### Schedule 1

#### Description of Place

**Guildford Fire Station** at 2 Meadow Street; Guildford Town Lt 200 on DP 172083 being the whole of Reserve 9932.

**Hyden CWA Rooms** at 17 Marshall Street, Cnr Lynch Street, Hyden; Lt 17 on Plan 5661 and being the whole of the land contained in Certificate of Title Volume 1102 Folio 854

**Kalgoorlie Railway Housing Group** at 22 Piccadilly Street, 2 & 4 Chapple Street & 46 Wittenoom Street, Kalgoorlie; Lt 2066 on DP 144443 being the whole of the land comprised in CLT V 3042 F 314.

**Kulin Memorial Hall** at Johnston Street Cnr Gordon Street, Kulin; Kulin Lts 85 & 86 being the whole of the land contained in C/T V 1057 F 677.

**Maylands Primary School** at 150 Guildford Road, Maylands; Res 8634 being Swan Locs 5554, 9750 & 9751 on Land Admin Res D 204 being the whole of the land contained in CLT V 3047 F 857.

**Pingaring CWA Rooms** at Luke Price Street, Pingaring; Lt 2251 on DP 163741 being the whole of the land comprised in C/T V 1208 F 304.

**Railway Houses, Ganzer Street** at 7 & 11 Ganzer Street, Wongan Hills; Lt 755 on DP 190296 & being the whole of the land on CLT V 3118 F 302. Lt 754 on DP 190296 & being the whole of the land comprised in CLT V 3061 F 691.

**Slater Homestead** at Goomalling-Dowerin Road, Goomalling; That ptn of Lt 28354 on DP 208388 being part of the land contained in C/T V 1981 F 570 together with Lt 301 on DP 29046 being the whole of the land contained in C/T V 2216 F 49 as is defined by HCWA survey No 3522 prepared by Cadgraphics WA.

Pursuant to directions from the Minister for Heritage, notice is hereby given in accordance with Section 49(1) of the Heritage of Western Australia Act 1990 that it is proposed that the places described in Schedule 2 be entered in the Register of Heritage Places. The Heritage Council invites submissions on the proposal which must be in writing & should be forwarded to the address below not later than 5 March 2004. The places will be entered in the Register on an interim basis with effect from today.

Schedule 2

**Description of Place**

**Beatty Park Leisure Centre & Beatty Park** at Vincent Street, Perth; Swan Loc 1618 being the whole of Res 884 & the whole of the land contained in CLT V 3044 F 188.

**Black Range Church, Sandstone** at Cnr Oroya & Thaduna Sts, Sandstone; Lt 244 on DP 223094 being the whole of the land contained in C/T V 2176 F 505.

Dated 23 January 2004.

IAN BAXTER, Director, Office of the Heritage Council.  
108 Adelaide Terrace East Perth WA 6004.

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## MINERALS AND PETROLEUM

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**MP101**

*PRINTERS CORRECTION*

**MINING ACT 1978**

INTENTION TO FORFEIT

An error occurred in the notice published under the above heading on page 108 of *Government Gazette* No. 5 dated 9 January 2004 and is corrected as follows.

Delete the entry:

60/1983	Striker Resources NL	Kimberley
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and insert:

80/1983	Striker Resources NL	Kimberley
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**MP401\***

State of Western Australia

**PETROLEUM (SUBMERGED LANDS) ACT 1982**

GRANT OF EXPLORATION PERMIT

Exploration Permit No. TP/22 has been granted to Eni Australia B.V. to have effect for a period of six years from 12 January 2004.

W. L. TINAPPLE, Director Petroleum Division.

**MP402**

**MINING ACT 1978**

APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Minerals & Energy,  
Mt Magnet, 13th January 2004.

In accordance with Regulation 49(2)(c) of the *Mining Act 1978*, notice is hereby given that the licences are liable to forfeiture under the provisions of Section 96(1)(a) for breach of covenant, viz, non-payment of rent.

S. RICHARDSON, Warden.

To be heard in the Warden's Court, Mt Magnet on the 30th March 2004.

YALGOO MINERAL FIELD

P59/1144 Southern, Donald Charles  
Southern, Lance Charles

MP403

MINING ACT 1978

APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Industry & Resources,  
Coolgardie WA 6430.

In accordance with Regulation 49(2)(c) of the *Mining Act 1978* notice is hereby given that the following Licences are liable to forfeiture under the provisions of Section 96(1)(a) for breach of covenant, viz, non payment of rent.

G. N. CALDER (SM), Warden.

To be heard in the Warden's Court at Coolgardie on the 15th March, 2004.

COOLGARDIE MINERAL FIELD

Prospecting Licences

16/1654—George's Reward NL  
16/1806—Hawke; Robert Lawrence  
16/1672—George's Reward NL

Miscellaneous Licences

15/149—Kurana Pty Ltd

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## PLANNING AND INFRASTRUCTURE

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PI401\*

METROPOLITAN REGION TOWN PLANNING SCHEME ACT 1959

METROPOLITAN REGION SCHEME AMENDMENT No. 992/33 CLARKSON-BUTLER

Outcome of Amendment

It is hereby notified for public information that the Clarkson-Butler Amendment to the Metropolitan Region Scheme has been submitted before both Houses of Parliament in accordance with the provisions of section 33 of the Metropolitan Region Town Planning Scheme Act.

This amendment, as depicted on Western Australian Planning Commission plan numbered 1.2795/5, is effective in the Metropolitan Region Scheme on and from 13 December 2003.

PETER MELBIN, Secretary, Western Australian Planning Commission.

PI402\*

TOWN PLANNING AND DEVELOPMENT ACT 1928

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

*Shire of Augusta-Margaret River*

Town Planning Scheme No. 11—Amendment No. 137

Ref: 853/6/3/8 Pt 137

It is hereby notified for public information, in accordance with Section 7 of the *Town Planning and Development Act, 1928* (as amended) that the Hon Minister for Planning and Infrastructure approved the Shire of Augusta-Margaret River Town Planning Scheme Amendment on 14 January 2004 for the purpose of:

1. rezoning Lot 41 of Sussex Locations 226 and 1388 Caves Road, Karridale from "Rural" zone to "Special Use" zone as shown on the scheme amendment map; and

2. insert into the Scheme Text, within 'Schedule 3: Special Use Sites', the following:

**Lot and Location**

Lot 41 of Sussex Locations  
226 and 1388 Caves Road,  
Karridale

**Permitted Uses (See Clause 4.8)**

1. The purpose and intent of this 'Special Use' zone is to provide for a low impact outdoor education and recreation facility on the site in accordance with the endorsed Development Guide Plan. This facility is to be exclusively utilised for the outdoor education of patrons from accredited education providers, corporate organisations or community groups. The facility is not to be used for general tourist accommodation of any kind.

2. Development of the land shall be in accordance with the Development Guide Plan (Plan No. 10867-DGP-01 Revision A dated March 26,2003) adopted by Council and approved by the Western Australian Planning Commission.

3. The uses permitted in this Special Use zone are:

- Bunkhouse Accommodation;
- Camping;
- Single Dwelling (One only);
- Office / Reception;
- Recreational Facilities;
- Ancillary and Incidental Uses.

The permitted uses mentioned above are limited to the type, number and general location as shown on the endorsed Development Guide Plan referred to in Clause 2 above.

4. The 'Proposed Single Dwelling', as shown on the endorsed Development Guide Plan, will not be occupied until:

- i) the Council has issued a development approval for the 'Proposed Single Dwelling';
- ii) the Council has issued a development approval which limits the ongoing use of the 'Existing Residence' building to storage purposes only; and
- iii) the 'Existing Residence' is made uninhabitable to the satisfaction of the Council. This will require the decommissioning of all ablution, bathroom and kitchen facilities in the 'Existing Residence'. Following the occupation of the 'Proposed Single Dwelling', all the above mentioned facilities shall be removed in a timely manner to the satisfaction to Council.

5. Prior to the approval of any development on site, the existing restrictive covenant is to be modified, to the satisfaction of the Council and the Western Australian Planning Commission, to limit the type and location of development to that permitted under this "Special Use" zone. Notwithstanding the above, all other parts of the covenant, particularly those pertaining to controls protecting the landscape and conservation values of the subject land, are to be retained.

6. All development shall be consistent with Council's Visual Management Guidelines and be located as generally shown on the endorsed Development Guide Plan. If a minor variation to building locations is proposed at the time of seeking development approval then the development is to be located on portions of the lot that are demonstrated to the satisfaction of Council, WA Health Department, Fire and Emergency Services WA and the Department of Conservation and Land Management as being suitable for development in terms of fire protection, effluent disposal, visual impact and impacts on the nearby and adjoining National Park. Permitted development which is proposed to be located in areas significantly different from that shown on the Development Guide Plan will not be supported.

7. In considering any proposal for development, the following shall be addressed to the satisfaction of Council:

- Effluent disposal including a geotechnical report prepared to the satisfaction of the WA Health Department demonstrating the site's suitability for on-site effluent disposal;
- Water Supply;
- Vehicular access to be in accordance with the requirements of Main Roads WA;
- Fire protection measures to the satisfaction of the Fire and Emergency Services WA, Department of Conservation and

**Lot and Location****Permitted Uses (See Clause 4.8)**

Land Management and Council, and such measures shall form a Bush Fire Management Plan to be adopted by Council for any subsequent development on the lot and implemented at the development stage;

- Built form including building materials and building bulk in accordance with Council's Visual Management Guidelines;
- Prior to approval of any development on the site (including clearing and prescribed burning) an investigation is to be undertaken, at the cost of the landowner, by a suitably qualified person to identify, document and make recommendations on the protection of the 'pioneer cemetery' (graves) located on the property. This investigation is to be undertaken to the satisfaction of the Council and the Heritage Council of Western Australia, with the report recommendations being implemented through conditions of development approval for any proposed use / development;
- That a Management Plan be put in place to the satisfaction of the Council;
- That a Management Plan for weed control, flora protection and erosion control be prepared and implemented to the satisfaction of the Council.

8. All buildings within the lot shall comply with AS3959-1991-Construction of Buildings in Bushfire Prone Areas.

9. Development as may be approved by Council is to be located in such a manner as to cause minimal disturbance to existing vegetation.

10. Total accommodation on site to be a maximum of 120 persons at anyone time, unless otherwise permitted by Council in special circumstances.

11. Potable water to the development shall be in accordance with the publication "Guidelines for Drinking Water Quality in Australia".

12. At the time of development Council shall require the preparation and implementation of a Fire Management Plan (contained within Appendix B and I of the Amendment No. 137 report) to the satisfaction of the Shire of Augusta-Margaret River, Department of Conservation and Land Management and the Fire and Emergency Services Authority WA.

13. The site shall not be used for tourist accommodation purposes and shall only be used in accordance with the purpose and intent of this "Special Use" zone as specified in Clause 1 above.

14. Council will not support applications to subdivide or strata subdivide the subject land.

15. Prior to the approval of any development permitted under this "Special Use" zone, the existing restrictive covenant applicable to the land is to be modified to limit development to that permitted by this zoning to the satisfaction of Council and the Western Australian Planning Commission.

N. DORNAN, President.

I. BODILL, Chief Executive Officer.

PI403\*

**TOWN PLANNING AND DEVELOPMENT ACT 1928**

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

*Shire of Plantagenet*

Town Planning Scheme No. 3—Amendment No. 29

Ref: 853/5/14/4 Pt 29

It is hereby notified for public information, in accordance with Section 7 of the *Town Planning and Development Act, 1928* (as amended) that the Hon Minister for Planning and Infrastructure approved the Shire of Plantagenet Town Planning Scheme Amendment on 16 January 2004 for the purpose of:

- (i) Rezoning Part Plantagenet Location 4853 & 6052, Porongurups from the Rural zone to the Rural Residential zone.

- (ii) Incorporating into Schedule 5 of the Scheme Text, "Rural Residential zones – Provisions Relating to Specified Areas", the following identification and special provisions:

Schedule No. 5

Rural Residential Zones – Provisions Relating to Specified Areas

(a)	(b)
Specified Area of Locality	Special Provisions to refer to (a)
5. Portion of Plantagenet Location 4853 & 6052, Porongurups.	<p><b>1.0 Plan of Subdivision</b></p> <p>1.1 Subdivisions of Rural Residential Area No. 5 shall be generally in accordance with the Plan of Subdivision endorsed by the Chief Executive Officer / Administrator.</p> <p>1.2 A range of lot sizes shall be provided based on land capability assessment and a minimum lot size of 2ha and an overall maximum average density of one lot per four hectares.</p> <p><b>2.0 Objectives of the Zone within Rural Residential Area No. 5</b></p> <p>The objectives are to:</p> <p>2.1 Allow for a range of lots sizes for small scale intensive agriculture, hobby farms and rural retreats.</p> <p>2.2 Provide for the protection of creeklines, remnant vegetation and encourage revegetation where appropriate to minimise visual impacts and reduce salinity and erosion.</p> <p>2.3 Integrate development with the landscape while providing for bushfire protection and management.</p> <p><b>3.0 Land Use</b></p> <p>3.1 Within Rural Residential Area No. 5 the following uses are permitted:</p> <ul style="list-style-type: none"> <li>• Residential Dwelling House</li> <li>• Home Occupation</li> </ul> <p>3.2 The following uses may be permitted subject to special approval of Council:</p> <ul style="list-style-type: none"> <li>• Aquaculture;</li> <li>• Cottage Industry;</li> <li>• Viticulture;</li> <li>• Small scale intensive agriculture;</li> <li>• Bed &amp; Breakfast accommodation;</li> <li>• Public recreation;</li> <li>• Other incidental or non defined activities considered appropriate by Council which are consistent with the objectives of the zone.</li> </ul> <p><b>4.0 Keeping of Livestock/Animals</b></p> <p>4.1 Intensive agricultural pursuits such as piggeries, feed lotting, poultry farms are not permitted. The keeping of livestock shall be restricted to fenced pastured areas of the lot. The owner shall be responsible for the maintenance of stock proof fencing to protect remnant vegetation and revegetation areas. Animal numbers shall not exceed the stocking rates recommended by Agriculture WA. The keeping of animals shall not result in the removal or damage of vegetation and trees or result in soil degradation and dust nuisance.</p> <p>4.2 Where in the opinion of Council the continued presence of animals on any portion of land is likely to contribute, or is contributing to the dust nuisance or soil degradation, notice may be served on the owner of the land, requiring immediate removal of those animals specified in the notice.</p> <p>4.3 Where notice has been served on a landowner in accordance with clause 4.2, the Council may also require the land to be rehabilitated to its satisfaction within three (3) months of serving the notice. In the event that such action is not undertaken, Council may carry out such works as are deemed necessary, with all costs being borne by the landowner.</p>

(a) Specified Area of Locality	(b) Special Provisions to refer to (a)
	<b>5.0 Horticulture &amp; Viticulture</b>
5.1	A nutrient, drainage and irrigation management plan is to be required as a condition of planning consent for applications for horticulture and viticulture and shall have regard to best environmental management practice as outlined in current guidelines and codes of practice.
5.2	A management plan that has regard to the "Draft Environmental Guidelines for Vineyards (February 2001)", or any subsequent updates, shall be required as a condition of planning consent for applications for viticulture.
5.3	Council will only approve of commercial scale horticulture/viticulture enterprises where the proponent can demonstrate the use would be located and managed in such a way as to avoid creating conflicts with existing or likely future uses on adjoining or nearby lots. Appropriate buffers are to be provided to minimise potential impacts such as noise, dust and spray drift.
	<b>6.0 Building Design, Materials &amp; Colour</b>
6.1	Dwellings and outbuildings shall be designed and constructed of materials which allow them to blend into the landscape of the site. Council will be supportive of walls and roofs with natural tonings in keeping with the amenity of the area, however Council shall refuse to approval walls and roofs constructed of reflective materials such as unpainted Zinalume and off-white colours.
6.2	Dwelling houses shall not exceed 7.5 metres in height which is measured vertically from the natural ground level. The maximum height of all outbuildings will be at the discretion of Council in order to minimise the visual impacts of such buildings when viewed from surrounding roads.
6.3	No boundary fencing shall be constructed of fibre cement, metal sheeting or wooden picket. If fencing is utilised, it shall be of rural construction such as post and strand to the satisfaction of Council.
6.4	No boundary fencing shall be permitted within areas of remnant vegetation. Within such areas, delineation of property boundaries shall be by way of cairns or other appropriate means.
6.5	Water tanks shall be coloured an appropriate natural shade of brown or green or suitably screened with vegetation in keeping with the amenity of the area to the satisfaction of Council.
	<b>7.0 Vegetation and Revegetation</b>
7.1	No clearing of vegetation shall occur except for: <ul style="list-style-type: none"> <li>(a) Clearing to comply with the requirements of the <i>Bush Fires Act 1954</i> (as amended);</li> <li>(b) clearing may reasonably be required to construct an approved building and curtilage;</li> <li>(c) trees that are dead, diseased or dangerous;</li> <li>(d) clearing to gain vehicular access to a dwelling approved by the Council;</li> <li>(e) clearing required to establish a low fuel buffer.</li> </ul>
7.2	Council may request the Commission to impose a condition at the time of subdivision requiring revegetation of areas shown on the Plan of Subdivision. Such revegetation shall be appropriately maintained for a minimum of three years and preference should be given to local species.
7.3	Additional tree planting may be required as a condition of development approval.
7.4	No structures, including fences, shall be permitted within the remnant vegetation protection areas.

(a) Specified Area of Locality	(b) Special Provisions to refer to (a)
7.5	Where building envelopes are shown on the Subdivision Guide Plan, buildings shall be confined to those envelopes.
<b>8.0</b>	<b>Water Supply &amp; Drainage</b>
8.1	Where lots are not serviced by a reticulated water supply, each dwelling house shall be provided with a water supply with a minimum capacity of 92,000 litres. This may be supplied from Water Corporation licenced underground water supplies or rainwater storage systems to the satisfaction of Council and the Health Department of Western Australian.
8.2	Construction of dams, bores and drainage works require approval of Council prior to construction.
8.3	At the subdivision stage of development, Council may require a stormwater, drainage and nutrient retention management plan to be prepared and implemented.
<b>9.0</b>	<b>Effluent Disposal</b>
9.1	On-site effluent disposal shall be the responsibility of the individual landowner.
9.2	The disposal of liquid and/or solid wastes shall be carried out with an effluent disposal system approved by Council and the Health Department of WA. Systems shall be designed and located to minimise nutrient export and/or release into any waterway or groundwater. Conventional effluent disposal areas for new dwellings shall be set back a minimum of 100 metres from the natural permanent watercourse and situated 2 metres above the highest known groundwater level.
9.3	Council shall require the use of amended soil type effluent disposal systems, such as Ecomax/ATU Systems in the following situations: <ul style="list-style-type: none"> <li>• where a 100 metre setback from a creek line or water course cannot be achieved;</li> <li>• where soil conditions are not conducive to the retention of nutrients; and</li> <li>• in low lying areas.</li> </ul> <p>Separation from waterways and ground water shall be determined by Council in conjunction with the Health Department of WA. A minimum setback of 50m from the creekline and 30m from the drainage line shall be required.</p> <p>Alternative effluent disposal systems and cut off drains may be required on lots with soils prone to winter water logging, as identified on the subdivision guide plan.</p>
9.4	Variations to the design or location of effluent disposal areas will require a suitably qualified practitioner demonstrating that effluent disposal will not cause environmental or health impacts to the satisfaction of Council and the Department of Health.
9.5	No more than one effluent disposal system will be permitted on one lot.
<b>10.0</b>	<b>Bushfire Management Control</b>
10.1	Subdivision and development is to be in accordance with the Fire Management Plan for the land, as endorsed by FESA and the Shire of Plantagenet, and shall require implementation and maintenance of the developer's, property owner's and local government's responsibilities detailed in that plan.
<b>11.0</b>	<b>Road Upgrading</b>
11.0	Council may request the Commission impose a condition at the time of subdivision for a contribution to the upgrading of the unnamed road on the northern boundary of Location 4853.

- | (a)<br>Specified Area of Locality | (b)<br>Special Provisions to refer to (a)   |
|-----------------------------------|---|
|                                   | <b>12.0 Notification of Prospective Owners</b>  |
|                                   | 12.1 Provision shall be made to Council's satisfaction to ensure prospective purchasers of land within Rural Residential Zone Area No. 5 are given a copy of these Special Provisions prior to entering into an agreement to acquire any property.  |
|                                   | 12.2 Prospective purchasers of lots in proximity to the proposed viticulture shall be notified that commercial scale viticulture may be developed on that lot.  |
|                                   | 12.3 Council may request the Commission impose a condition at the time of subdivision for the preparation and distribution to prospective purchasers of an information sheet which discourages the keeping of cats and dogs on lots adjacent to Reserve 24095 and promotes measures that should be taken to minimise the impacts pets have on native fauna (eg. night cat curfews), keeping dogs on leashes etc). |
|                                   | 12.4 Council may request the Commission impose a condition at the time of subdivision for preparation and distribution to prospective purchasers of an information sheet regarding weed and dieback control.  |
| (iii)                             | Rezoning portion of Part Plantagenet Location 4853 Mount Barker - Porongurups Road from the Rural zone to Special Site (holiday chalets, restaurant, wine tasting, viticulture, aquaculture and managers residence).  |
| (iv)                              | Amending the Scheme Text by adding to Schedule No. 3, Special Sites in the following manner:  |

(a) Particulars of Land	(b) Restricted Use	(c) Conditions
Portion of Plantagenet Location 4853 Mount Barker – Porongurup Road	Managers Residence, Restaurant, Wine Tasting, Aquaculture, Holiday Chalets (maximum 12) and viticulture	<p>(a) Prior to commencement of any further development of the site, the owner shall submit an overall concept plan to Council for endorsement.</p> <p>(b) All development shall be subject to the issue of Planning Consent.</p> <p>(c) All signage is subject to the prior approval of Council in accordance with Scheme requirements, relevant Local Law and Policy.</p> <p>(d) All buildings shall be designed and constructed of natural materials (ie. timber, rammed earth, brick) and use tonings in keeping with the semi rural amenity of the area. Council shall refuse to approve walls and rooves constructed of reflective materials (ie. unpainted zincalume and/or white or off white colours).</p> <p>(e) Buildings shall not exceed 7.5 metres in height which is measured vertically from the natural ground level unless otherwise determined by Council.</p> <p>(f) Buildings shall be located where possible in cleared areas in order to minimise removal of significant trees.</p> <p>(g) No boundary fencing shall be constructed of fibre cement, metal sheeting or wooden picket. If boundary fencing is utilised, it shall be of rural construction such as post and strand to the satisfaction of Council.</p> <p>(h) Stormwater drainage shall be accommodated on site to Council's satisfaction.</p> <p>(i) Potable water supply shall be provided in accordance with the "Australian Drinking Water Guidelines 1996: and to the satisfaction of Council and the Health Department of WA.</p>

(a) Particulars of Land	(b) Restricted Use	(c) Conditions
		<p>(j) Council shall require any water tanks to be suitably coloured and screened from view by tree/shrub planting.</p> <p>(k) Low fuel buffer areas a minimum of 20 metres wide shall be provided and maintained around all buildings.</p> <p>(l) Fire water shall be available to both Council and the Bush Fires Service satisfaction.</p> <p>(m) Council shall require, at the development stage, the construction of strategic firebreaks generally as shown on the Plan of Subdivision for the area.</p> <p>(n) Strategic firebreaks shall be constructed and maintained to a standard suitable for all year access by heavy duty fire appliances and two wheel drive vehicles.</p> <p>(o) Effluent disposal shall be undertaken to the satisfaction of Council and the Heath Department of WA.</p> <p>(p) Approval for holiday accommodation shall include a condition requiring a notice to be displayed in the holiday accommodation advising of the proximity to commercial viticulture and horticulture and that these activities may cause nuisance.</p>
		(v) And the Scheme Maps are hereby amended accordingly.

K. M. FORBES, President.  
R. STEWART, Chief Executive Officer.

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## PREMIER AND CABINET

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PC401\*

**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 Dr J M Edwards MLA to act temporarily in the office of Minister for Community Development, Women's Interests, Seniors and Youth; Disability Services; Culture and the Arts in the absence of the Hon S M McHale MLA for the period 9 to 18 April 2004 (both dates inclusive)

M. C. WAUCHOPE, Director General.

PC402\*

**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 appointments—

Hon A MacTiernan MLA to act temporarily in the office of Minister for the Environment in the absence of the Hon Dr J M Edwards MLA for the period 21 January to 3 February 2004 (both dates inclusive)

M. C. WAUCHOPE, Director General  
Department of the Premier and Cabinet.

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## RACING, GAMING AND LIQUOR

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RG401

**LIQUOR LICENSING ACT 1988****SUMMARY OF LIQUOR LICENSING APPLICATIONS**

The following is a summary of applications received under the Liquor Licensing Act 1988 and required to be advertised. Any person wishing to obtain more details about any application, or about the objection process, should contact the Department of Racing, Gaming and Liquor, 1st Floor, Hyatt Centre, 87 Adelaide Terrace, Perth, Telephone: (08) 9425 1888, or consult a solicitor or relevant industry organisation.

App. No.	Applicant	Nature of Application	Last Date for Objections
<b>APPLICATIONS FOR THE GRANT OF A LICENCE</b>			
10107	Craig Scott	Application for the grant of a Producer's licence in respect of premises situated in Capel and known as Snottygobble Wines	5/2/04
10109	Sabanathan Varagunanathan	Application for the grant of a Restaurant licence in respect of premises situated in Alfred Cove and known as Madras Restaurant	1/2/04
<b>APPLICATIONS FOR EXTENDED TRADING PERMITS—ONGOING EXTENDED HOURS</b>			
19302	N and M Gangemi Nominees Pty Ltd	Application for the grant of an extended trading permit—ongoing extended hours, in respect of premises situated in Mundijong and known as the Mundijong Store and Deli	3/2/04

This notice is published under section 67(5) of the Liquor Licensing Act 1988.

H. R. HIGHMAN, Director of Liquor Licensing.

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## TRANSPORT

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TR401\*

**WESTERN AUSTRALIAN MARINE ACT 1982****NAVIGABLE WATERS REGULATIONS****RESTRICTED SPEED AREAS—ALL VESSELS****CLOSURE OF WATERS—ALL VESSELS****PROHIBITED SWIMMING AREA**

Department for Planning and Infrastructure  
Fremantle WA, 19 January 2004.

Acting pursuant to the powers conferred by Section 66 and 67 of the Western Australian Marine Act 1982, and Regulation 10A(b) of the Navigable Waters Regulations, the Department by this notice closes the waters of Perth Waters between the Narrows Bridge and Heirison Island and limits the speed of motor vessels to that of 8 knots, and prohibits bathing or swimming within the following area and during the following times—

**PORT OF PERTH—SWAN RIVER**

All the waters of the Swan River commencing at Quarry Point; thence due east to the Quarry Starboard Navigation Marker, then north east to Mill Point and extending upstream to the Causeway Bridge

Providing however that this speed restriction and prohibited bathing shall only apply between the hours of 1500 and 2200 on Monday 26 January 2004 and is not applicable to those bona fide vessels or persons involved in approved aquatic events or associated with the Lotto Skyworks 2004.

Furthermore, that the Closure of Waters will only apply between the hours of 1700 and 2030 on Monday 26 January 2004 and is not applicable to those bona fide vessels or persons involved in approved aquatic events or associated with the Lotto Skyworks 2004.

GREG MARTIN, Chief Executive Officer,  
Department for Planning and Infrastructure.

TR402\*

**WESTERN AUSTRALIAN MARINE ACT 1982**  
**NAVIGABLE WATERS REGULATIONS**  
**PROHIBITION OF FREESTYLE DRIVING—PERSONAL WATERCRAFT**

Department for Planning and Infrastructure  
 Fremantle WA, 19 January 2004.

Acting pursuant to the powers conferred by Section 66 paragraph (b) of the Western Australian Marine Act 1982, and Regulation 50A(1)(b) of the Navigable Waters Regulations, the Department by this notice revokes sub paragraph (1) of the notice published in the *Government Gazette* on 3 December 1999 relating to the Narrows—Personal Watercraft Freestyle Driving Area.

Providing that this revocation will apply only on Monday 26 January 2004 between the hours of 1500 and 2200 for the purpose of spectator craft mooring during Lotto Skyworks 2004.

GREG MARTIN, Chief Executive Officer,  
 Department for Planning and Infrastructure.

TR403\*

**WESTERN AUSTRALIAN MARINE ACT 1982**  
**NAVIGABLE WATERS REGULATIONS**  
**CLOSURE**

Belmont Water Ski Area

Department for Planning and Infrastructure  
 Fremantle WA, 19 January 2004.

Acting pursuant to the powers conferred by Regulation 48A of the Navigable Waters Regulations, the Department by this notice temporarily revokes Notice TR401 as published in the *Government Gazette* on 10 September 2002 and hereby closes the Belmont Water Ski Area for water skiing from 3pm to sunset on 26 January 2004.

GREG MARTIN, Chief Executive Officer,  
 Department for Planning and Infrastructure.

## **PUBLIC NOTICES**

ZZ101

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

Notice to Creditors and Claimants

Creditors and other persons having claims (to which section 63 of the Trustees Act relates) in respect of the Estates of the undermentioned deceased persons are required to send particulars of their claims to me on or before the 23rd February 2004, after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Allan, James Victor, late of 3 York Terrace Mosman Park formerly of 11 Karl Court Kelmscott, died 7/12/03, (DE19831697EM22)

Archibald, Ronald Blackwood also known as Ron or Ronnie Archibald, late of Cockburn Road Fremantle, died 8/12/03, (DE19991638EM17)

Clark, William Walter, late of Unit 6/132 Flinders Street Yokine, died 16/12/03, (DE19910846EM35)

Conway, Margaret Jean, late of The Joseph Cooke Hostel 2 Houtman Street Rossmoyne formerly of Unit 15 Thomas Perrott Village 55 Koolan Drive Shelley, died 14/12/03, (DE19670627EM22)

Cornthwaite, Lee, late of 61 Stratton Boulevard Stratton, died 22/10/03, (DE19963121EM22)

Criddle, Lionel William, late of 26 Hunts Road Dongara, died 15/12/03, (DE19840465EM45)

Gilbert, Brian Basil, late of Meka Station Yalgoo, died 14/11/02, (DE33019412EM17)

Harwood, Vincent Thomas, late of 37 Halse Street Melville, died 27/11/03, (DE33028437EM32)

Innes, Graham Barbour, late of 27 Axford Street Como, died 24/12/03, (DE19860654EM23)

Kovacs, Lewis, late of 37 Hampden Street Kalgoorlie, died 30/9/03, (DE33026854EM17)

Metcalf, Jessie Christina, late of 230 Hicks Street Gosnells, died 4/10/03, (DE19731615EM43)

Needham, Harold Gilbert, late of 128 Grand Promenade Inglewood, died 4/1/04, (DE19661677EM27)

Nettle, Myrtle Catherine, late of Concorde Nursing Home Anstey Street South Perth, died 3/12/03, (DE19710859EM36)

Paidra, Irene Millicent, late of 6B Winship Avenue Wanneroo, died 6/1/04, (DE19930630EM37)

Pickering, Florence Margaret Helen, late of Ella Williams Nursing Home 62 Camboon Road Noranda formerly of 15 Carnarvon Crescent Coolbinia, died 22/12/03, (DE19740876EM12)

Porcaro, Luigi, late of 20 Helm Street Maddington, died 15/12/03, (DE19960070EM36)

Post, Laurence John, late of 18 Gorham Way Spearwood formerly of 4B North Road Leinster, died 25/12/03, (DE33009373EM38)

Proctor, Alma Ellen, late of Murlali Lodge 25 Mt Henry Road Salter Point formerly of Rowethorpe Hillview Terrace Bentley, died 6/1/04, (DE19734230EM43)

Rippin, Joy Olive Amanda, late of 26B Hope Street Beechboro, died 23/12/03, (DE19792364EM15)

Stace, Rhoda Gleeson, late of 57 Palmerston Street Mosman Park, died 6/12/03, (DE30270428EM27)

Stewart, Mary, late of Kwinana Village 44 Chilcott Street Calista, died 4/11/03, (DE19962738EM34)

Stuart, Marjorie Irene, late of 222 St Kilda Road Kewdale, died 2/1/04, (DE19932433EM38)

Williams, Shirley, late of Unit 16/23 Swan Street South Perth, died 25/4/2003, (DE19833009EM42)

ANTONINA ROSE McLAREN, Public Trustee,  
Public Trust Office, 565 Hay Street, Perth WA 6000.  
Telephone 9222 6777.

WESTERN AUSTRALIA

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