

WESTERN AUSTRALIAN GOVERNMENT Gazette

ISSN 1448-949X

4359



PERTH, FRIDAY, 6 OCTOBER 2006 No. 171

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 3.30 PM

© STATE OF WESTERN AUSTRALIA

CONTENTS

PART 1

	Page
Pollution of Waters By Oil and Noxious Substances Act 1987—Pollution of Waters by Oil and Noxious Substances Amendment Regulations 2006.....	4361
Transport Co-ordination Act 1966—Transport Co-ordination Amendment Regulations 2006	4363

PART 2

Consumer and Employment Protection	4369
Deceased Estates	4380
Health	4369
Local Government	4370
Minerals and Petroleum	4373
Planning and Infrastructure	4374
Premier and Cabinet.....	4378
Public Notices.....	4381
Racing, Gaming and Liquor.....	4379
Water	4379

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, State Law Publisher, 10 William St, Perth 6000.

PUBLISHING DETAILS

The Western Australian *Government Gazette* is published by State Law Publisher 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 and in some cases the Parliamentary Counsel's Certificate.
- Copy must be lodged with the Sales and Editorial Section, State Law Publisher no later than 12 noon on Wednesday (Friday edition) or 12 noon on Friday (Tuesday edition).

Delivery address:

State Law Publisher
Ground Floor,
10 William St. Perth, 6000
Telephone: 9321 7688 Fax: 9321 7536

- Inquiries regarding publication of notices can be directed to the Editor on (08) 9426 0010.
- 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.

If it is necessary through isolation or urgency to fax copy, 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 2006 (Prices include GST).

Deceased Estate notices, (per estate)—\$23.70

Real Estate and Business Agents and Finance Brokers Licences, (per notice)—\$55.20

Other articles in Public Notices Section—\$55.20 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—\$11.05

Bulk Notices—\$201.70 per page

Clients who have an account will be invoiced for advertising charges.

Clients without an account will need to pay at time of lodging the notice.

— PART 1 —

MARINE/MARITIME

MX301*

Pollution of Waters By Oil and Noxious Substances Act 1987

Pollution of Waters by Oil and Noxious Substances Amendment Regulations 2006

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council.

1. Citation

These are the *Pollution of Waters by Oil and Noxious Substances Amendment Regulations 2006*.

2. The regulations amended

The amendments in these regulations are to the *Pollution of Waters by Oil and Noxious Substances Regulations 1993**.

[* Reprint 1 as at 7 May 2004.]

3. Regulation 3 amended

Regulation 3 is amended as follows:

- (a) by deleting the definition of “Commonwealth regulations”;
- (b) by inserting the following definitions in the appropriate alphabetical positions —

“

“**Department**” means the department of the Public Service principally assisting in the administration of the Act;

“**Marine Orders**” means orders, made under section 34 of the Commonwealth Act, as in force from time to time.

”.

4. Regulation 4 amended

- (1) Regulation 4(1)(b) is deleted and the following paragraph is inserted instead —

“

- (b) each of the offices of Chief Executive Officer, and General Manager Marine Safety, in the Department, is prescribed.

”

- (2) Regulation 4(2)(b) and “and” after it are deleted and the following paragraph is inserted instead —

“

- (b) each of the offices of Chief Executive Officer, and General Manager Marine Safety, in the Department, is prescribed; and

”

- (3) Regulation 4(2)(c) and (3)(b) are each amended by deleting all the words after “boundaries of a port” and inserting instead —

“

for which a harbour master is appointed — the harbour master is prescribed

”

- (4) Regulation 4(3)(a) is amended by deleting “, Department of Marine and Harbours,” and inserting instead —

“ in the Department ”.

- (5) Regulation 4(5) is repealed and the following subregulation is inserted instead —

“

- (5) For the purposes of section 30(2) of the Act each of the offices of Chief Executive Officer, and General Manager Marine Safety, in the Department, is prescribed.

”

5. Regulation 5 amended

Regulation 5(1)(b)(i) and “or” after it are deleted and the following subparagraph is inserted instead —

“

- (i) the Department; or

”

6. Regulation 7 amended

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

“ , email address and ”.

7. Various references to “Commonwealth regulations” changed to “Marine Orders”

Each provision listed in the Table to this regulation is amended by deleting “Commonwealth regulations” in each place where it occurs and inserting instead —

“ Marine Orders ”.

Table

r. 4(1)(a), (2)(a) and (4)	r. 8	r. 11
r. 5(1)(a) and (b)	r. 9	r. 12
r. 7(1)	r. 10	r. 13

By Command of the Lieutenant-Governor
and deputy of the Governor,

G. M. PIKE, Clerk of the Executive Council.

TRANSPORT

TR301*

Transport Co-ordination Act 1966

**Transport Co-ordination Amendment
Regulations 2006**

Made by the Lieutenant-Governor and deputy of the Governor in
Executive Council.

1. Citation

These regulations are the *Transport Co-ordination Amendment Regulations 2006*.

2. The regulations amended

The amendments in these regulations are to the *Transport Co-ordination Regulations 1985**.

[* *Reprint 1 as at 16 May 2003.*

For amendments to 14 August 2006 see Western Australian Legislation Information Tables for 2005, Table 4, p. 427, and Gazette 23 June 2006.]

3. Regulation 3 replaced

Regulation 3 is repealed and the following regulation is inserted instead —

“

3. Terms used in these regulations

(1) In these regulations, unless the context otherwise requires —

“**charter services**” means a service that is not a RPT service;

“**credit card charge**” means an amount payable by the licensee to the credit card provider;

“**Form**” means a form in Schedule 2;

“**GST**” has the meaning given to that term in the Commonwealth *A New Tax System (Goods and Services Tax) Act 1999* section 195-1;

“**licensee**” means the holder of the aircraft licence;

“**load factor**”, for a flight, means the number of paying and free-on-board passengers divided by the number of seats available for passengers;

“**net freight revenue**” means amounts receivable in the month by the licensee for carrying freight on the aircraft, for example, consignment fees and amounts per kilogram of freight, other than amounts in respect of GST;

“**net passenger revenue**” means amounts receivable in the month from passengers in relation to operating the aircraft, for example, fares, excess baggage charges and amounts paid by passengers for in-flight beverages, other than amounts in respect of passenger service fees, credit card charges or GST;

“**operating costs**” means amounts payable in the month by the licensee in relation to operating the aircraft, including —

- (a) flight crew and cabin crew costs, including employment and accommodation costs; and
- (b) landing fees, passenger service fees and other similar fees payable to airport operators; and
- (c) turnaround costs payable to airport operators, or other service providers, for services provided in relation to the aircraft at airports, for example, baggage handling and aircraft movement costs; and
- (d) in-flight catering costs; and

- (e) commissions on reservations and ticket bookings; and
- (f) loyalty scheme costs; and
- (g) promotion costs; and
- (h) aircraft insurance, finance and security costs; and
- (i) costs of maintaining and repairing the aircraft, for example, depreciation and insurance, excluding labour costs and other indirect costs; and
- (j) fuel costs; and
- (k) taxes imposed on the licensee in respect of the operation of the aircraft;

“passenger service fee” means an amount payable by the licensee to the airport operator in respect of each passenger on a flight to or from the airport;

“registration number” means the registration number of the aircraft given by the Civil Aviation Safety Authority;

“revenue load factor”, for a flight, means the Revenue Passenger Kilometres (the number of paying passengers × the number of kilometres flown) divided by the Actual Seat Kilometres (the number of seats available for passengers × the number of kilometres flown);

“RPT services” means regular public transport services that operate according to a published schedule.

- (2) In relation to a reference to an amount that is payable or receivable in a month —
 - (a) an amount is payable or receivable in a month if, in accordance with accrual accounting principles, the amount is payable or receivable at a time in the month; and
 - (b) an amount that is payable or receivable in a month is not payable or receivable in any other month.

”.

4. Regulations 8BA and 8BB inserted

After regulation 8B the following regulations are inserted —

“

8BA. RPT services — prescribed records and statistics (section 47(1)(d))

- (1) The following records and statistics are prescribed for the purposes of section 47(1)(d) of the Act, in relation

to the operation of the aircraft, for RPT services, on routes specified in the aircraft's licence that include an airport listed in Schedule 3 Division 1 —

- (a) the registration number of the aircraft;
- (b) for each flight —
 - (i) the flight number (if any); and
 - (ii) the time, date and location of departure and arrival; and
 - (iii) the number of passengers; and
 - (iv) for each class of fare (as determined by the licensee) — the number of seats sold, the price and (where relevant) the discount (as a percentage) applied to calculate the price; and
 - (v) the revenue load factor or the load factor;
- (c) for each calendar month, each route flown by the aircraft in the month and each class of fare (as determined by the licensee) sold in the month — the number of seats sold in the class, the average price and (where relevant) the average discount (as a percentage) applied to calculate the price;
- (d) for each cancelled flight and flight that failed to comply with the applicable flight schedule —
 - (i) the flight number (if any); and
 - (ii) the intended date and location of departure and arrival; and
 - (iii) the reasons for the cancellation or failure; and
 - (iv) the respects in which the flight failed to comply with the relevant schedule;
- (e) for each calendar month and each route flown by the aircraft in the month — the total net passenger revenue from, and the total operating costs of, operating the aircraft;
- (f) for each calendar month and, if required by the Director General under this paragraph, each destination to which the aircraft carried freight in the month — the weight of freight carried and the net freight revenue from carrying that freight;
- (g) for each calendar month and each route flown by the aircraft in the month — the number of flying hours;
- (h) for each calendar month — the number and type of written complaints made by passengers

relating to the operation of the aircraft or services provided in relation to the operation of the aircraft, and a description of any complaint resolution procedure undertaken in respect of such complaints.

- (2) For the purposes of subregulation (1)(e), if a component of the total operating costs is not directly attributable to the operation of the aircraft for the month and a route, it is to be attributed to the operation of the aircraft for the month and the route on a proportional basis.
- (3) The licensee must keep the records and statistics for 5 years.

8BB. Charter services — prescribed records and statistics (section 47(1)(d))

- (1) The following records and statistics are prescribed for the purposes of section 47(1)(d) of the Act, in relation to the operation of the aircraft, for charter services, on flights to or from airports listed in Schedule 3 Division 1 or 2 —
 - (a) the registration number of the aircraft;
 - (b) for each flight —
 - (i) the flight number (if any); and
 - (ii) the time, date and location of departure and arrival; and
 - (iii) a copy of the invoice for the flight; and
 - (iv) the number of passengers; and
 - (v) the revenue load factor or the load factor.
- (2) The licensee must keep the records and statistics for 5 years.

”.

5. Schedule 3 inserted

After Schedule 2 the following Schedule is inserted —

“

Schedule 3 — Airports

[r. 8BA and 8BB]

Division 1

1. Albany
2. Carnarvon
3. Esperance
4. Exmouth-Learmouth
5. Geraldton

6. Kalbarri
7. Laverton
8. Leinster
9. Leonora
10. Meekatharra
11. Monkey Mia-Shark Bay
12. Mt. Magnet
13. Wiluna

Division 2

1. Fitzroy Crossing
2. Halls Creek

”

By Command of the Lieutenant-Governor and
deputy of the Governor,

G. M. PIKE, Clerk of the Executive Council.

— PART 2 —

CONSUMER AND EMPLOYMENT PROTECTION

CE401

CHARITABLE COLLECTIONS ACT 1946
REVOCATION OF LICENCES

I, Patrick Walker, being the officer delegated by the Minister administering the Charitable Collections Act 1946, and acting in the exercise of the powers conferred by subsection (3) of section 12 of that Act, hereby give notice that I have revoked the licence of the organisations listed below—

- HERE'S HOPE INC
- THE HELP A POOR NEEDY CHILD FUND (WA) INC
- POSITIVE AGEING FOUNDATION OF AUSTRALIA (INC)

Dated this 21st day of September 2006.

PATRICK WALKER, Commissioner for Consumer Protection.

CE402*

ASSOCIATIONS INCORPORATION ACT 1987
RE-INSTATEMENT OF ASSOCIATIONS
Section 35(4)

THE WEST AUSTRALIAN SPEED BOAT CLUB INC.—A0500044T

Notice is hereby given that the incorporation of the above-named association has been re-instated as from the date of this notice.

Dated the 6 October 2006.

PATRICK WALKER, Commissioner for Consumer Protection.

HEALTH

HE401

MEDICAL ACT 1894
MEDICAL (UNMET AREA OF NEED) DETERMINATION (NO. 24) 2006

Made by the Minister for Health pursuant to section 11AF of the *Medical Act 1894*.

Citation

1. This determination may be cited as the *Medical (Unmet Area of Need) Determination (No. 24) 2006*.

Commencement

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

Unmet area of need

3. The area of need specified in the Schedule is determined to be an unmet area of need for the purposes of section 11AF(1)D of the Act.

Expiry of determination

4. This determination expires 2 years after its commencement.

SCHEDULE

General Medical Services in the suburbs of Bibra Lake and Coolbellup in the City of Cockburn

Dated this 26th day of September 2006.

JIM MCGINTY MLA, Minister for Health.

HE402

MEDICAL ACT 1894

MEDICAL (UNMET AREA OF NEED) DETERMINATION (NO. 25) 2006

Made by the Minister for Health pursuant to section 11AF of the *Medical Act 1894*.

Citation

1. This determination may be cited as the *Medical (Unmet Area of Need) Determination (No. 25) 2006*.

Commencement

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

Unmet area of need

3. The area of need specified in the Schedule is determined to be an unmet area of need for the purposes of section 11AF(1)D of the Act.

Expiry of determination

4. This determination expires 5 years after its commencement.

SCHEDULE

Cardiology Services at Fremantle Hospital

Dated this 25th day of September 2006.

JIM MCGINTY MLA, Minister for Health.

LOCAL GOVERNMENT

LG401*

LOCAL GOVERNMENT ACT 1995

Shire of Serpentine Jarrahdale
(BASIS OF RATES)

Department of Local Government
and Regional Development,
31 August 2006.

DLGRD: SJ5-4#03

It is hereby notified for public information that in accordance with the provisions of section 6.28 of the *Local Government Act 1995*, the Director General of the Department of Local Government and Regional Development under delegation from the Hon Jon Ford JP MLC, Minister for Local Government and Regional Development being charged for the time being, with the administration of the *Local Government Act 1995*, has determined that the method of valuing the land described in the schedule hereunder shall be gross rental value for the purposes of rating with effect from 31 August 2006.

CHERYL GWILLIAM, Director General.

SCHEDULE**ADDITION TO GROSS RENTAL VALUE AREA**

Shire of Serpentine Jarrahdale

All those portions of land being Lot 800 and Lot 801 as shown on Deposited Plan 47688 and Lots 46 to 57 inclusive, Lots 60 to 62 inclusive and Lot 9501 as shown on Deposited Plan 46472.

LG402**LOCAL GOVERNMENT GRANTS ACT 1978**
(APPOINTMENT OF MEMBERS)Department of Local Government
and Regional Development,
Perth, 29 September 2006.

DLGRD: 282-97 V2

It is hereby notified for public information that the Governor has—

1. under section 5(1) (c) (ii) of the *Local Government Grants Act 1978* appointed the following named persons as members of the Western Australian Local Government Grants Commission for a term expiring on 31 July 2008—

Councillor Linton Reynolds

Councillor Sally Higgins

and

2. under section 5(3) of the *Local Government Grants Act 1978* appointed the following named person as deputy member of the Western Australian Local Government Grants Commission for a term expiring on 31 July 2007—

Councillor Ronald Hoffman

CHERYL GWILLIAM, Director General.

LG403***BUSH FIRES ACT 1954***City of Joondalup*

APPOINTMENTS

It is hereby notified for public information that all previous appointments to the positions of Chief Bush Fire Control Officer, Deputy Chief Bush Fire Control Officer and Bush Fire Control Officer are revoked from 1 October, 2006.

The following persons have been appointed Bushfire Control Officers throughout the City of Joondalup—

Paul Hrovatin (Chief Bushfire Control Officer)

Tony Heinze (Deputy Chief Bushfire Control Officer)

Fire Control Officers—

Peter Ross

Robert Grygorcewicz

Bruno Marafioti

Ron Randell

Gavin Smith

Peter Hall

Keven Foulkes

Ingrid Bolte (Permit Issuing Only)

Sandy Evans (Permit Issuing Only)

The above appointments are effective from 2 October 2006.

Dated this 21 September 2006.

LG404***DOG ACT 1976****LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1960***Shire of Woodanilling*

APPOINTMENTS

Notice is hereby given that the following appointments have been made by the Shire of Woodanilling Council in accordance with the above legislation—

Kahlia Wardle, Cathi Ward, Pamela Alna, Belinda Knight and Bob Boyd are hereby appointed as Registration Officers for the Shire of Woodanilling with all authority conveyed upon the position of 'Registration Officer' under the *Dog Act 1976*.Bob Boyd and Belinda Knight are hereby appointed as Authorised Officers for the Shire of Woodanilling with all the authority conveyed upon the position of 'Authorised Officer' under the *Dog Act 1976*.

Bob Boyd and Belinda Knight are hereby appointed as Ranger/Poundkeeper in accordance with Part XX of the *Local Government (Miscellaneous Provisions) Act 1960* with all the authority conveyed by the Act upon that position.

BELINDA KNIGHT, Chief Executive Officer.

LG405*

SHIRE OF BROOMEHILL

APPOINTMENTS

The Council has made the following appointments of Authorised Officers—

- Local Government Act 1995—Part 3, Division 3, Subdivision 2—Certain provisions about land s3.24—(Power to require that certain things be done relating to land)
 - Joanne Trezona
 - Peter Bentley
 - Graeme Squibb
- Local Government Act 1995—Part 3, Division 3, Subdivision 4—Impounding goods involved in certain contraventions s3.39 (Power to impound goods—vehicle abandoned or otherwise, animal, stall or structure)
 - Joanne Trezona
- Local Government Act 1995—Part 9, Division 2, Subdivision 1—Miscellaneous Provisions about enforcement—s9.10, s9.11 and s9.15; and Control of Vehicles (Off-road) Act 1978—s37 (Enforcement and legal proceedings)
 - Joanne Trezona
 - Peter Bentley
 - Graeme Squibb
 - WA Ranger Services
- Local Government Act 1995—Part 9, Division 2, Subdivisions 1 & 2—Miscellaneous provisions about enforcement and infringement notices—s9.13, s9.16 and s9.17—
 - Joanne Trezona
 - Peter Bentley
 - Graeme Squibb
 - WA Ranger Services
- Local Government Act 1995—Part 9, Division 2, Subdivision 2—miscellaneous provisions about enforcement—s 9.19 and 9.20
 - Joanne Trezona
- Local Government (Miscellaneous Provisions) Act 1960—s449—Establishment of Pounds and the appointment of Poundkeepers and Rangers—
 - Paul Blows—(Poundkeeper)
 - WA Rangers Services—(Ranger)
- Dog Act 1975—Authorised Officers
 - Joanne Trezona
 - Peter Bentley
 - Graeme Squibb
 - Geoff Copley—WA Ranger Services
- Dog Act 1975—Registration Officers
 - Joanne Trezona
 - Peter Bentley
 - Yvonne Fleay
 - Terry Crosby
 - Siegrid Reed
- Health Act 1911—s27 Appointment of Environmental Health Officer—
 - Eva Crockenberg
- Bushfires Act 1954—s59 (2)(a) and (3)—Issue of infringement Notices, Council Delegation—
 - Joanne Trezona
- Caravan Parks and Camping Grounds Act 1995—s17 authorised persons—
 - Eva Crockenberg
- The Litter Act 1979—Authorised Officers
 - Joanne Trezona
 - Peter Bentley
 - Graeme Squibb
 - WA Ranger Services

MINERALS AND PETROLEUM

MP401

MINING ACT 1904
TEMPORARY RESERVES

Department of Industry & Resources,
Perth, 3 October 2006.

In accordance with the provisions of the Mining Act 1904, the Lieutenant Governor and Deputy of the Governor in Executive Council has been pleased to deal with the following Temporary Reserve.

GARY STOKES, Acting Director General.

The rights of occupancy on the undermentioned Temporary Reserve have been renewed.

Number	Occupant	For Further Period Expiring On	Locality	Mineral Field
5610H	Mitchell Plateau Bauxite Co Pty Ltd Alcoa of Australia Ltd AngloGold Australia Metals Pty Ltd	30 June 2007	Mitchell Plateau	West Kimberley and Kimberley

MP402

MINING ACT 1978
INSTRUMENT OF EXEMPTION OF LAND
Extension of Term

The Minister for Resources and Assisting the Minister for the State Development pursuant to the powers conferred on him by Section 19 of the Mining Act 1978, hereby EXTENDS the term of the instrument of exemption of land that was declared on 26 March 2002 and gazetted on 5 April 2002 for a further period of one year expiring on 25 September 2007.

Description of Land

Area (S19/170)

Starting point:

South Latitude 27° 50' 54.8780", East Longitude 114° 33' 43.2640".

Thence covering an area of land as indicated on the plan at page 118 of Mines File 1338-00, designated "S19/170".

Area: 8,298.92 hectares

Location: Galena

Dated at Perth this 21st day of September 2006.

JOHN BOWLER JP MLA, Minister for Resources and
Assisting the Minister for State Development.

MP403

MINING ACT 1978
APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Industry and Resources,
Mt Magnet, 21 September 2006.

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 2 November 2006.

MURCHISON MINERAL FIELD

Cue District

P20/1807—Gokus, Kai; Holloway, John Nelson

P20/1761—Thomas, Ronald Stanley

YALGOO MINERAL FIELD

P59/1592—Taylor, Douglas Ernest; Taylor, Elaine Faye

P59/1635—Fogarty, Graham William

MP404

MINING ACT 1978

APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Industry and Resources,
Leonora.

In accordance with Regulation 49(2)(c) of the Mining Regulations 1981, notice is hereby given that the following licences are liable to forfeiture under the provisions of Section 96(1)(a) of the Mining Act, 1978, for breach of covenant, viz, failure to comply with the prescribed expenditure conditions.

K. H. AUTY, Warden.

To be heard in the Warden's Court at Leonora on 29th November 2006

MOUNT MARGARET MINERAL FIELD

Mount Margaret District

Prospecting Licence

P38/3169—Eleckra Mines Ltd

PLANNING AND INFRASTRUCTURE

PI401*

PLANNING AND DEVELOPMENT ACT 2005

APPROVED LOCAL PLANNING SCHEME AMENDMENT

City of Bayswater

Town Planning Scheme No. 24—Amendment No. 15

Ref: 853/2/14/29 Pt 15

It is hereby notified for public information, in accordance with section 87 of the Planning and Development Act 2005 that the Minister for Planning and Infrastructure approved the City of Bayswater local planning scheme amendment on 12 September 2006 for the purpose of—

(a) Insert a new part, Part 10, into the Scheme as follows—

“PART 10 SPECIAL CONTROL AREAS”

10.1 OPERATION OF SPECIAL CONTROL AREAS

10.1.1 The following special control areas are shown on the scheme maps—

(b) SCA 2—Lots 52-54 Whatley Crescent and Lots 1 and 22 Eighth Avenue, Maylands

10.1.2 In respect of a Special Control Area shown on a Scheme Map, the provisions applying to a Special Control Area apply in addition to the provisions applying to any underlying zone or reserve and any general provisions of the Scheme.

10.1.3 Special Control Areas are shown on the Scheme Map as SCA with a number and included in Appendix 10.

10.1.4 The purpose of Special Control Areas are to—

(a) Identify areas requiring comprehensive planning to allow redevelopment in an appropriate form;

(b) Coordinate subdivision and development in areas requiring comprehensive planning.

10.1.5 Appendix 10 describes the Special Control Area(s) in detail and sets out the specific purposes and requirements that apply to the Special Control Area.

- 10.1.6 The development and subdivision of land within a Special Control area is to comply with the requirements of Appendix 10".
- (b) Insert a new Clause, 7.2.5 into the Scheme as follows—
- 7.2.5 Special Control Areas contained within Part 10 may modify the permissibility of particular uses over particular sites, as per the Special Control Area provisions contained within Appendix 10 for that particular site.
- (c) Renumber Clause 8.1 to Clause 8.1.1.
- (d) Insert a new Clause, 8.1.2 into the Scheme as follows—
- 8.1.2 Special Control Areas contained within Part 10 may modify the development standards for particular uses over particular sites, as per the Special Control Area provisions contained within Appendix 10 for that particular site.
- (e) Insert a new appendix, Appendix 10, into the Scheme as follows—
- "APPENDIX 10

SPECIAL CONTROL AREAS

Special Control Area 2—Corner Eighth Ave and Whatley Cres, Maylands

Site Particulars:

Lots 52, 53 and 54 Whatley Crescent (Cnr Eighth Avenue) and Lots 1 and 22 Eighth Avenue, Maylands

Description:

SCA No. 2 Area is bounded to the north and west by Whatley Crescent and Eighth Avenue, Maylands, respectively.

Provisions

Purpose:

To enable the inclusion of a Residential component over two levels above the ground floor Commercial tenancies within this complex.

Additional Discretionary Uses—

- Multiple Dwellings at a Residential Design Code density of R80.

Development Requirements—

(iii) General

- A minimum site area of 1,500m²;
- The residential use shall not apply to the ground floor.
- The upper two floors are to be for Residential purposes only.
- Each dwelling unit shall be provided with an outdoor living area or balcony.
- At least one third of the residential units to have two or more bedrooms.
- Vehicular access—
 - (i) from Eighth Avenue to the right of way at the rear of the site to be one way with access from Eighth Avenue only and exiting via the rear right of way; and
 - (ii) access to parking areas is to be made available at all times.

(iv) Building Provisions

(a) Plot Ratio

- A maximum (residential component) plot ratio of 1.25 to be applied. (The commercial component is excluded from lot ratio calculation.)

(b) Maximum Height

- Three storeys.
- 10m wall height and 13m ridge height.

(c) Street Setbacks

- Street Setbacks shall be nil at ground level.
- First floor setback is to be at least 2.2m to walls. Balconies are permitted to be located within this setback.
- Second floor setback is to be at least 4.4m to walls. Balconies are permitted to a minimum setback of 2.2m from street boundary.

(d) Side and rear Setbacks

- The minimum setback to any side or rear boundary is permitted to be nil.

(e) Ground Floor Levels

- Ground floor levels are to be no more than 600mm above the abutting footpath level and are not to be below the abutting footpath level.

(f) Pedestrian Interaction

- Pedestrian connectivity between the right-of-way, Eighth Avenue and the rear car park is to be enabled through the site. Such access is to be adequately lit, maintained and signposted.

- A minimum of 40 per cent of the wall area facing a street at the ground floor level is to be devoted to glazing, except for those heritage facades/frontages which have been retained where possible.
 - A minimum of 40 per cent of the wall area facing a street at the ground floor level is to be fully open-able to encourage pedestrian interaction, except for those heritage facades/frontages which have been retained where possible.
 - All footpaths contiguous with a building are to be sheltered. Such shelter is to comprise awnings to the following requirements—
 - (i) They are to be continuous structures over footpaths.
 - (ii) They shall project to within 0.5 metres of the road kerb and shall have a consistent width.
 - (iii) Awnings associated with heritage facades/frontages are to be retained where possible and reflect the heritage features of the original building.
 - (iv) They are not to be built over existing or possible street parking bays, and allowances are to be made to accommodate the unimpeded growth of any street tree.
 - (v) They may be cantilevered or suspended. Post or column supports are not permitted.
 - (vi) Generally an awning is to have a clearance above footpath level of 2.75 metres.
 - (vii) Awnings are intended to provide continuous cover at abutting buildings. Where one abuts another the connection is to be treated so as to prevent the penetration of rain.
 - (viii) The preferred form of new awning roof structures is lightly framed with fine design lines and be sympathetic to any traditional awning structures. The maximum depth of any fascia to a pedestrian awning is to be 300 mm with signage prohibited on top of the fascia.
- (g) Pedestrian Access—Entrances
- Pedestrian (or customer) entrances from the street are to be provided for all ground floor tenancies.
 - Original heritage entrances are to be retained where a heritage frontage is being maintained.
- (h) Heritage
- The heritage features of the existing building on the corner of Whatley Crescent and Eighth Avenue, and the buildings facing Whatley Crescent, to be retained and incorporated into new development.
 - Where new development abuts buildings of heritage value, the facade of the new development is to exhibit sympathetic articulation and form to those abutting buildings.
 - New development on the site is to reflect the heritage nature and value of the site in architectural style and finishes.
- (i) Facades
- Heritage Facades are to be retained and incorporated into new development where possible.
 - First floor balcony detailing is to complement and be sympathetic to existing parapets on the street frontage.
 - Building facades are to be articulated and detailed (broken into distinct visual elements). Projections such as verandahs, awnings, canopies and bay windows are to be used to project visual interest.
 - The creation of expansive blank walls and featureless glazing is prohibited.
 - Street front facades, where not an original heritage façade, are to be predominantly a combination of the following finishes—
 - (i) Rendered concrete blocks or bricks.
 - (ii) Face bricks.
 - (iii) Stone or stone cladding.
 - (iv) Glazed shopfronts.
 - The use of reflective or obscure glass is not permitted.
 - Exterior shading devices are to be used where it is necessary to protect windows from direct sunlight. These devices are to be consistent and not contribute to increasing the perceived bulk of the building.
- (j) Roofing Materials
- Roofing detail to be sympathetic to and reflect the original heritage roof detail.
 - Roof pitches shall not exceed 32°.
 - Reflective roofing materials are not permitted.

(k) Rail noise and vibration attenuation

- Any development on the site is to be constructed in such a manner as to ameliorate any railway noise or vibration.

T. G. KENYON, Mayor.
M. J. CAROSELLA, Chief Executive Officer.

PI402*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT

City of Bayswater

Town Planning Scheme No. 24—Amendment No. 3

Ref: 853/2/14/29 Pt 3

It is hereby notified for public information, in accordance with section 87 of the Planning and Development Act 2005 that the Minister for Planning and Infrastructure approved the City of Bayswater local planning scheme amendment on 12 September 2006 for the purpose of rezoning Lot 300, (No 115) Leake Street, Bayswater, from 'Local Reserve—Public Purposes'—Hospital to 'Residential R17.5/25'.

T. G. KENYON, Mayor.
M. J. CAROSELLA, Chief Executive Officer.

PI403*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED TOWN PLANNING SCHEME AMENDMENT

City of Canning

Town Planning Scheme No 40—Amendment No 139

Ref: 853/2/16/44 Pt 139 & 853/2/16/22 Pt 25

It is hereby notified for public information, in accordance with section 87 of the Planning and Development Act 2005 (as amended) that the Minister for Planning and Infrastructure approved the City of Canning town planning scheme amendments on 12 September 2006 which amends Town Planning Scheme No. 40 by—

1. Rezoning various lots/portions of lots from the Residential zone to the Local Authority Reservations—Local Park & Recreation as per the Scheme Amendment Map.
2. Removing the Residential zone from various lots/portions of lots to enable the creation of future road reserves as per the Scheme Amendment Map.
3. Removing a portion of reserve 24925 from the Local Authority Reservations—Local Park & Recreation to enable the creation of future road reserves as per the Scheme Amendment Map.
4. Rezoning a portion of reserve 24925 from the Local Authority Reservations—Local Park & Recreation to the Residential zone with a density coding of R17.5/R30.
5. Zoning portions of road reserve to the Residential zone with a density coding of R17.5/R30 and the Local Authority Reservations—Local Park & Recreation as per the Scheme Amendment Map.
6. Adding lots 166, 167 and 168 Wharf Street in Appendix 5—Schedule of Additional or Prohibited Uses as follows—

No.	Lot No.	Address	Uses which may be prohibited or permitted in addition to those permitted by the Zoning Table		Additional Development Requirements
			Additional Uses:	Prohibited Uses	
99	166, 167 & 168	Wharf Street, Queens Park	Mixed Development		

Dr M. S. LEKIAS, Mayor.
D. CARBONE, Chief Executive Officer.

PI404*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED TOWN PLANNING SCHEME AMENDMENT
City of Canning

Town Planning Scheme No 21—Amendment No 25

Ref: 853/2/16/44 Pt 139 & 853/2/16/22 Pt 25

It is hereby notified for public information, in accordance with section 87 of the Planning and Development Act 2005 (as amended) that the Minister for Planning and Infrastructure approved the City of Canning town planning scheme amendments on 12 September 2006 which amends the Scheme to realign the Scheme boundary as depicted on the amendment map to exclude the former Maniana Estate and Regional Open Space.

Dr M. S. LEKIAS, Mayor.
D. CARBONE, Chief Executive Officer.

PREMIER AND CABINET

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 A D McRae MLA to act temporarily in the office of Minister for Planning and Infrastructure in the absence of the Hon A MacTiernan MLA for the period 2 to 11 October 2006 (both dates inclusive)

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

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 appointment of the Hon M M Quirk MLA to act temporarily in the office of Minister for Community Development; Seniors and Volunteering; Youth in the absence of the Hon D A Templeman MLA for the period 16 to 20 November 2006 (both dates inclusive).

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

PC403

APPOINTMENT OF DEPUTY OF THE GOVERNOR

It is hereby notified for public information that the Governor under clause XVI of the *Letters Patent relating to the Office of Governor of the State of Western Australia* dated 14 February 1986, has appointed the Lieutenant-Governor the Honourable David Kingsley Malcolm AC, QC, to be deputy of the Governor and in that capacity to perform and exercise all the powers and functions of the Governor during the following period—

8 to 11 October 2006 (both dates inclusive).

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

RACING, GAMING AND LIQUOR

RG401*

LIQUOR LICENSING ACT 1988

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
APPLICATIONS FOR THE GRANT OF A LICENCE			
11659	Universal Sodexo Pty Ltd	Application for the grant of a Special Facility - Canteen licence in respect of premises situated 75 km North West of Newman and known as Lang Hancock Rail Wet Canteen	8/10/2006
11660	Gosavi Pty Ltd	Application for the grant of a Restaurant licence in respect of premises situated in Cottesloe and known as Two Fat Indians	16/10/2006

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

Dated: 4 October 2006.

P. MINCHIN, Director of Liquor Licensing.

WATER

WA401*

WATER AGENCIES (POWERS) ACT 1984

WATER AGENCIES (WATER RESTRICTIONS) BY-LAWS 1998

WATER RESTRICTIONS

Bridgetown, Boyup Brook, Hester, Greenbushes, Balingup, Mullalyup, Kirup

Issued by the Water Corporation under By-law 2(3) of the *Water Agencies (Water Restrictions) By-laws 1998*.

Notice is hereby given that Stage 4 water restrictions will apply to every person using water supplied by the Water Corporation in the towns of Bridgetown, Boyup Brook, Hester, Greenbushes, Balingup, Mullalyup and Kirup from Friday 13 October 2006 until further notice.

This notice applies to the use of water supplied directly or indirectly by the Water Corporation under the *Water Agencies (Powers) Act 1984*.

STAGE 4 WATER RESTRICTIONS

- (1) A person must not water a lawn or garden except by—
 - (a) reticulation during either, but not both, the morning period or the evening period on one or both of 2 days of the week specified in relation to the relevant property;
 - (b) a hand held hose with one outlet; or
 - (c) a hand held watering can.
- (2) A person must not spray a building, path, paved area or road except to the minimum extent necessary for—
 - (a) fire fighting;
 - (b) the cleaning of the building, path, paved area or road so as to avoid a threat to public health; or
 - (c) the construction or repair of the building, path, paved area or road.
- (3) A person must not fill a swimming pool except to the minimum extent necessary to maintain the proper functioning of the pool by replacing water lost through evaporation or ordinary use.

Note—

“**morning period**” means the period before 9.00 a.m.

“**evening period**” means the period after 6.00 p.m.

TABLE

The two days and the relevant property referred to in clause 1(a) above are indicated by the final digit of the house number or lot number if no house number.

Last digit in house number (or lot number if no house number)	1st Watering Day	2nd Watering Day
1	Wednesday	Saturday
2	Thursday	Sunday
3	Friday	Monday
4	Saturday	Tuesday
5	Sunday	Wednesday
6	Monday	Thursday
7	Tuesday	Friday
8	Wednesday	Saturday
9	Thursday	Sunday
0	Friday	Monday

Plant Nurseries

This notice does not apply in respect of the minimum quantities of water required for the viable operation of a commercial plant nursery that does not have an alternate water supply.

Exemption

There will be no exemptions under this notice except where extenuating circumstances are submitted to the Water Corporation and a variation of or exemption from this notice is formally granted in writing.

Offence

It is an offence to contravene the stage of restriction under this notice without the approval of the Water Corporation. PENALTY: \$500

Offenders may be issued with—

- (a) an infringement notice imposing a modified penalty of \$100; or
- (b) a court summons.

In addition, for repeat offences, the water supply flow to the property concerned may be restricted.

Further information

For further information contact the Water Corporation's 24 hour helpline on 13 10 39.

J. I. GILL, Chief Executive Officer,
Water Corporation.

DECEASED ESTATES

ZX401

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Creditors and other persons having claims (to which Section 63 of the Trustees Act 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 6th November 2006 after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Anderson, Phillip Martin, late of 24 Jarvis Street, O'Connor, died 15/8/06, (DE19692289EM35)

Connor, Gweneth Alma, late of Como House, 36 Talbot Street, Como, died 31/8/06, (DE19731341EM313)

Hopkins, Percy Wilfred George, late of Craigmont Waters Nursing Home, Third Avenue, Maylands, died 12/8/06, (DE19793657EM27)

Miller, Thelma, late of Unit 4/460 Hannan Street, Kalgoorlie, died 16/1/04, (DE33052606EM27)

Nankivell, June, late of 405 Knutsford Avenue, Kewdale, died 23/8/06, (DE19913611EM38)

Ramsay, Ruth Frances, late of Craigwood Green, 29 Gardner Street, Como, formerly of 55 Bondi Street, Mount Hawthorn, died 6/9/06, (DE33038985EM38)

Wright, Willis Martin, late of R.S.L. War Veterans Home, 16 Freedman Road, Menora, died 29/8/06, (DE19903328EM22)

JOHN SKINNER, Public Trustee,
Public Trust Office, 565 Hay Street, Perth WA 6000.
Telephone 9222 6777

ZX402**TRUSTEES ACT 1962
DECEASED ESTATES**

Notice to Creditors and Claimants

Creditors and other persons having claims (to which Section 63 of the Trustees Act, 1962 relates) in respect of the Estates of the undermentioned deceased persons, are required by Perpetual Trustees WA Ltd 39 Hunter Street, Sydney NSW, to send particulars of such claims to the Company by the undermentioned date, after which date the said company may convey or distribute the assets, having regard only to the claims of which the Company then has notice.

Claims for the following estates expire one month after the date of publication hereof.

Estate late Dorothy Jean Hazell Dods, Late of Craigmont Waters Nursing Home, 6 Third Avenue East, Maylands, Home Duties, Died 10/08/2006

Estate late Roma Mary Lauritsen, Late of 26B Day Road, Mandurah, Home Duties, Died 26/08/2006

Estate late Frances Bernadette Turner, Late of 3 Carcoo Court, Beckenham, Communications Officer, Died 01/08/2006

STEPHEN JOHN MAXWELL,
Senior Estate Manager
Direct Phone (02) 9229 3419.

PUBLIC NOTICES

ZZ401***CHARITABLE TRUSTS ACT 1962
APPLICATION TO VARY TERMS OF TRUST**

Take notice that Anglican Homes (Incorporated) ("the Trustee") has, with the consent of The Perth Diocesan Trustees, applied to the Supreme Court pursuant to sections 10 and 15 of the Charitable Trusts Act 1962 to approve a scheme to vary the terms of the charitable trust established by the trust deed made between Catharine Armstrong and The Perth Diocesan Trustees stamped on the 19th day of May 1965 ("the Trust").

The Trust was settled to establish a home or a convalescent home under the control of the Church of England in the Diocese of Perth for aged persons on a property located at 2 Headingly Road, Kalamunda ("the Property").

The proposed scheme provides that—

- (a) The Perth Diocesan Trustees shall cease to be trustee of the Trust and Anglican Homes (Incorporated) of 416 Stirling Highway, Cottesloe, Western Australia shall be substituted as trustee;
- (b) the outdated certificate of title reference for the Property referred to in the trust deed shall be deleted and substituted with the correct certificate of title details;
- (c) the Trustee shall sell the Property by tender or alternatively by private treaty and shall apply the net proceeds of the sale of the Property to the cost of construction of an accommodation wing to be named "Armstrong" at Peter Arney Home located at 1 Gentilli Way, Salter Point; and
- (d) the Trustee's and the Attorney-General's reasonable costs of and incidental to preparing, advertising and obtaining approval of the scheme be paid out of and be a charge on the Trust.

The application is to be heard by a Judge of the Supreme Court of Western Australia at Perth at the hour of 10.30am on Tuesday the 21st day of November 2006.

Any person desiring to oppose the scheme must give written notice of their intention to do so to the Principal Registrar of the Supreme Court, the Trustee and the Attorney-General of Western Australia not less than seven clear days before the date proposed for the hearing.

Copies of the scheme can be obtained from the Trustee's solicitors, Karp Steedman Ross-Adjie of 14 Walker Avenue, West Perth, Western Australia, Telephone: (08) 9226 1880 (Ref: GM:50205).

CLAIMS FOR MISSING ISSUES

(SUBSCRIPTION ITEMS)

For a claim to be recognised as valid, written notification must be lodged at State Law Publisher, 10 William Street, Perth 6000 within 28 days of publication of the missing item.

Claims lodged after this date will attract payment in full.

STATE LAW PUBLISHER

SUBSCRIPTION RATES FOR 2007

All subscriptions are for the period from 1 January to 31 December 2007. Subject to certain limitations, refunds may be allowed if a subscription is cancelled during the year. The prices quoted include GST where applicable and postage by surface mail unless stated otherwise.

GOVERNMENT GAZETTE

General *Government Gazettes* are published on Tuesday and Friday of each week, unless disrupted by public holidays or unforeseen circumstances.

Special *Government Gazettes* are published periodically.

All Gazettes	\$
Within WA	876.70
Interstate	893.20
Overseas (airmail)	1,220.00

Bound Volumes of full year 1,138.50

Gazettes on CD ROM from 1998
(per year)..... 798.60

INDUSTRIAL GAZETTE

Industrial Gazette is published monthly.

	\$
Within WA	421.30
Interstate	501.60
Overseas (airmail)	578.00

Gazettes on CD ROM from 1998
(per year)..... 345.40

HANSARD

Hansard is printed and distributed weekly during parliamentary sessions.

	\$
Within WA	831.60
Interstate	1016.40
Overseas (airmail)	957.00

Bound Volumes of Hansard

Within WA	820.60
Interstate	832.70

Hansards on CD ROM from 1999
(per year) 851.40

STATUTES

Bound Statutes

Bound volumes are posted during March of the following year.

	\$
Within WA.....	297.00
Interstate	330.00
Overseas	305.00
Half Calf Bound Statutes	818.40

Bound Volumes on CD ROM from 1998
(per year)..... 295.90

Loose Statutes

Statutes are posted weekly as they become available.

	\$
Within WA.....	320.10
Interstate	330.00
Overseas (airmail).....	430.00

Sessional Bills

Bills are posted weekly as they become available.

	\$
Within WA	438.90
Interstate	459.80
Overseas (airmail)	622.00

Data on CD's is fully indexed and is searchable. Other CD ROM products with legislation or other statutory information can be packaged to individual requirements. Prices are available on request.

