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— PART 1 —

JUSTICE

JU301*

Magistrates Court Act 2004

Magistrates Court (General) Amendment Rules (No. 2) 2008

Made by the Magistrates Court.

1. Citation

These rules are the *Magistrates Court (General) Amendment Rules (No. 2) 2008*.

2. Commencement

These rules come into operation as follows —

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

3. The rules amended

The amendments in these rules are to the *Magistrates Court (General) Rules 2005*.

4. Rule 51A inserted

After rule 51 the following rule is inserted —

“

51A. Applications under RTA s. 80J, how to be made

- (1) An application under the RTA section 80J(5) or (6) must be made by lodging a Form 9 and any affidavit that the applicant proposes to tender at the hearing of the application.
- (2) When a form and any affidavit is lodged under this rule, 2 copies must also be lodged.

”

5. Rule 51B amended

After rule 51B(2) the following subrule is inserted —

“

- (3) An application referred to in rule 51A may be lodged at the nearest non-police registry to the place where the uncollected vehicle or item that is the subject of the application is being held.

”

6. Rule 52 amended

Rule 52(1a) is amended by deleting “Form 4A,” and inserting instead —

“ Form 4A or 9, ”.

7. Rule 53 amended

Rule 53(1a) is amended by deleting “section 71B(7),” and inserting instead —

“ section 71B(7) or 80J(5) or (6), ”.

8. Schedule 2 amended

- (1) Schedule 2 Form 4A is amended in the note by deleting “Form 10” and inserting instead —

“ Form 4A ”.

- (2) Schedule 2 is amended by inserting after Form 8 —

“

9. Application by owner for delay of sale of uncollected vehicle and/or return of item (r. 51A)

Road Traffic Act 1974 s. 80J(5) & (6)		Application by owner for delay of sale of uncollected vehicle and/or return of item	
Magistrates Court at No:			
Applicant (Owner)	Full name		
	Address		
Uncollected vehicle/item	Registration No.		
	Description of item		
Application [Tick applicable box(es)]	I apply for — <input type="checkbox"/> An order that the sale or disposal of the uncollected vehicle not take place until after: 1. <input type="checkbox"/> An order that the item be returned.		
Signature of applicant or lawyer	Applicant or lawyer	Date	
Hearing details	This application will be heard — on [date] at [time] or as soon after as possible, at [place]		

Notes to Form 9 —

1. Specify until when you want the sale delayed. The sale cannot be delayed later than 3 months after the day of the order you are seeking.

”

Dated: 24 September 2008.

STEVEN HEATH,
Chief Magistrate.

E. WOODS,
Deputy Chief Magistrate.

M. BOON,
Magistrate.

PAUL HEANEY,
Magistrate.

LOCAL GOVERNMENT

LG301*

LOCAL GOVERNMENT ACT 1995

DIVIDING FENCES ACT 1961

Shire of Kalamunda

FENCING LOCAL LAW 2008

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SCHEDULE 1—Sufficient fence on a Residential Lot

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LOCAL GOVERNMENT ACT 1995**DIVIDING FENCES ACT 1961***Shire of Kalamunda***FENCING LOCAL LAW 2008**

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Kalamunda resolved on 18 August 2008 to make the following local law.

PART 1—PRELIMINARY**1.1 Citation**

This local law may be cited as the *Shire of Kalamunda Fencing Local Law 2008*.

1.2 Application

This local law shall apply throughout the district of the Shire of Kalamunda.

1.3 Commencement

This Local Law will come into operation on the fourteenth day after the day on which it is published in the *Government Gazette*.

1.4 Repeal

The *Shire of Kalamunda Local Laws Relating to Fencing* published in the *Government Gazette* on 19 September 2001 are repealed.

1.5 Interpretation

In this local law, unless the context otherwise requires—

“**Act**” means the *Dividing Fences Act 1961*;

“**AS**” means an Australian Standard published by the Standards Association of Australia;

“**boundary fence**” has the meaning given to it for the purposes of the Act;

“**Building Surveyor**” means a Building Surveyor of the local government;

“**CEO**” means the Chief Executive Officer of the local government;

“**Commercial Lot**” means a lot where a commercial use—

(a) is or may be permitted under the local planning scheme; and

(b) is or will be the predominant use of the lot;

“**dangerous**” in relation to any fence means—

(a) an electrified fence, other than a fence in respect of which a licence under Part 5 of this local law has been issued and is current;

(b) a fence containing barbed wire, other than a fence erected and maintained in accordance with this local law;

(c) a fence containing exposed broken glass, asbestos fibre, razor wire or any other potentially harmful projection or material; or

(d) a fence which is likely to collapse or fall, or part of which is likely to collapse or fall, from any cause;

“**district**” means the district of the local government;

“**dividing fence**” has the meaning given to it in the Act;

“**electrified fence**” means a fence carrying or designed to carry an electric charge;

“**fence**” means any structure, including a retaining wall, used or functioning as a barrier, irrespective of where it is located, and includes any gate;

“**frontage**” means the boundary line between a lot and the thoroughfare which that lot adjoins;

“**height**” in relation to a fence means the vertical distance between—

(a) the top of the fence at any point; and

(b) the ground level or, where the ground levels on each side of the fence are not the same, the higher ground level, immediately below that point;

“**Industrial Lot**” means a lot where an industrial use—

(a) is or may be permitted under the local planning scheme; and

(b) is or will be the predominant use of the lot;

“**local government**” means the Shire of Kalamunda;

“**local planning scheme**” means a local planning scheme of the local government made under the *Planning and Development Act 2005*, or a town planning scheme which was made under the *Town Planning and Development Act 1928*;

“**lot**” has the meaning given to it in the *Planning and Development Act 2005*;

“**notice of breach**” means a notice referred to in clause 6.1;

“**Residential Lot**” means a lot where a residential use—

- (a) is or may be permitted under the local planning scheme; and
- (b) is or will be the predominant use of the lot;

“**retaining wall**” means any structure which prevents the movement of soil in order to allow ground levels of different elevations to exist adjacent to one another;

“**Rural Lot**” means a lot where a rural use—

- (a) is or may be permitted under the local planning scheme; and
- (b) is or will be the predominant use of the lot;

“**Schedule**” means a Schedule to this local law;

“**setback area**” has the meaning given to it for the purposes of the local planning scheme;

“**Special Rural Lot**” means a lot where a special rural use—

- (a) is or may be permitted under the local planning scheme; and
- (b) is or will be the predominant use of the lot; and

“**sufficient fence**” means a fence described in clause 2.1.

1.6 Licence fees & charges

All licence fees and charges applicable under this local law shall be as determined by the local government from time to time, in accordance with sections 6.16—6.19 of the *Local Government Act 1995*.

PART 2—SUFFICIENT FENCES

2.1 Sufficient fences

(1) A person shall not erect a dividing fence or a boundary fence that is not a sufficient fence.

(2) Subject to sub-clauses (3) and (4), a sufficient fence—

- (a) on a Residential Lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of Schedule 1.
- (b) on a Commercial Lot and on an Industrial Lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of Schedule 2;
- (c) on a Rural Lot and on a Special Rural Lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of Schedule 3;

(3) Where a fence is erected on or near the boundary between—

- (a) a Residential Lot and an Industrial Lot, a sufficient fence is a dividing fence constructed and maintained in accordance with the specifications and requirements of Schedule 1;
- (b) a Residential Lot and a Commercial Lot, a sufficient fence is a dividing fence constructed and maintained in accordance with the specifications and requirements of Schedule 2;
- (c) a Residential Lot and a Rural Lot, a sufficient fence is a dividing fence constructed and maintained in accordance with the specifications and requirements of Schedule 3;
- (d) a Residential Lot and a Special Rural Lot, a sufficient fence is a dividing fence constructed and maintained in accordance with the specifications and requirements of Schedule 1; and
- (e) a Special Rural Lot and a Rural Lot, a sufficient fence is a dividing fence constructed and maintained in accordance with the specifications and requirements of Schedule 3.

(4) Unless the Building Surveyor specifies otherwise, a sufficient fence on a boundary between lots other than those specified in subclause (3) is a dividing fence constructed in accordance with the specifications and requirements of Schedule 2.

(5) Notwithstanding any other provisions in this local law, a fence constructed of stone or concrete shall be a sufficient fence only if it is designed by a structural engineer where—

- (a) it is greater than 1800mm in height; or
- (b) the Building Surveyor so requires.

PART 3—GENERAL

3.1 Fences within front setback areas

(1) A person shall not, without the written consent of the Building Surveyor, erect a free-standing fence greater than 1200mm in height, within the front setback area of a Residential Lot within the district.

(2) The Building Surveyor may approve the erection of a fence of a height greater than 1200mm in the front setback area of a Residential Lot only if the fence on each side of the driveway into the lot across the front boundary is to be angled into the lot for a distance of not less than 1500mm along the frontage to a distance of not less than 1500mm from the frontage in order to provide appropriate splayed lines of vision for a motorist using the driveway for access to a thoroughfare.

(3) The provision of sub-clause (2) shall not apply to a fence—

- (a) of open construction that does not obscure the lines of vision of a motorist using the driveway for access to a thoroughfare; or
- (b) that does not adjoin a footpath.

3.2 Fences on a Rural Lot

On a Rural Lot, a person shall not, without the written consent of the Building Surveyor, erect a fence of a height exceeding 1500mm within 7.5m of a thoroughfare.

3.3 Maintenance of fences

An owner or occupier of a lot on which a fence is erected shall maintain the fence in good condition and so as to prevent it from becoming dangerous, dilapidated, or unsightly.

3.4 General discretion of the Local Government

(1) Notwithstanding clause 2.1, the local government may consent to the erection or repair of a fence which is not a sufficient fence, where all owners of land which adjoins the relevant boundary make an application for approval for that purpose.

(2) In determining whether to grant its consent to the erection or repair of any fence, the local government may consider, in addition to any other matter that it is authorised to consider, whether the erection or retention of the fence would have an adverse effect on—

- (a) the safe or convenient use of any land; or
- (b) the safety or convenience of any person.

PART 4—FENCING MATERIALS

4.1 Fencing materials

(1) A person shall construct any fence on a Residential Lot, a Commercial Lot or an Industrial Lot from only those materials specified for a sufficient fence in respect of such a lot in Schedule 1 or 2, or some other material approved by the Building Surveyor.

(2) Where the Building Surveyor approves the use of pre-used materials in the construction of a fence under subclause (1), that approval shall be conditional on the applicant for approval painting or treating the pre-used material as directed by the Building Surveyor.

4.2 Barbed wire and broken glass fences

(1) This clause does not apply to a fence constructed wholly or partly of razor wire.

(2) An owner or occupier of a Residential Lot or a Commercial Lot shall not erect or affix to any fence on such a lot any barbed wire or other material with spiked or jagged projections, unless the prior written approval of the Building Surveyor has been obtained.

(3) An owner or occupier of an Industrial Lot shall not erect or affix on any fence bounding that lot any barbed wire or other materials with spiked or jagged projections, unless the wire or materials are carried on posts at an angle of 45 degrees, and unless the bottom row of wire or other materials is set back 150mm from the face of the fence and is not nearer than 2000mm from the ground level.

(4) If the posts which carry the barbed wire or other materials referred to in subclause (3) are angled towards the outside of the lot bounded by the fence, the face of the fence must be set back from the lot boundary a sufficient distance to ensure that the angled posts, barbed wire or other materials do not encroach on adjoining land.

(5) An owner or occupier of a lot shall not affix or allow to remain as part of any fence or wall on that lot, whether internal or external, any broken glass.

(6) An owner or occupier of a Rural Lot shall not place or affix barbed wire upon a fence on that lot where the fence is adjacent to a thoroughfare or other public place, unless the barbed wire is fixed to the side of the fence posts furthest from the thoroughfare or other public place.

PART 5—ELECTRIFIED AND RAZOR WIRE FENCES

5.1 Requirements for a licence

(1) An owner or occupier of a lot, other than a Rural Lot, shall not—

- (a) have and use an electrified fence on that lot without first obtaining a licence under subclause (2); or
- (b) construct a fence wholly or partly of razor wire on that lot without first obtaining a licence under subclause (3).

- (2) A licence to have and use an electrified fence shall not be issued—
- (a) in respect of a lot which is, or which adjoins, a Residential Lot;
 - (b) unless the fence complies with AS/NZS 3016:2002; and
 - (c) unless provision is made so as to enable the fence to be rendered inoperable during the hours of business operations, if any, on the lot where it is erected.
- (3) A licence to have a fence constructed wholly or partly of razor wire shall not be issued—
- (a) if the fence is within 3m of the boundary of the lot;
 - (b) where any razor wire used in the construction of the fence is less than 2000mm or more than 2400mm above the ground level.
- (4) An application for a licence referred to in subclauses (2) or (3) shall be made by the owner of the lot on which the fence is or is to be erected, or by the occupier of the lot with the written consent of the owner.
- (5) An application for a licence referred to in subclauses (2) or (3) may be—
- (a) approved by the local government;
 - (b) approved by the local government subject to such conditions as it thinks fit; or
 - (c) refused by the local government.

5.2 Transfer of a licence

A licence referred to in clause 5.1 shall transfer with the land to any new occupier or owner of the lot.

5.3 Cancellation of a licence

Subject to Division 1 Part 9 of the *Local Government Act 1995*, the local government may cancel a licence issued under this Part if—

- (a) the fence no longer satisfies the requirements specified in clause 5.1(2) or 5.1(3) as the case may be; or
- (b) the licence holder breaches any condition upon which the licence has been issued.

PART 6—NOTICES OF BREACH

6.1 Notices of breach

(1) Where a breach of any provision of this local law has occurred in relation to a fence on a lot, the local government may give a notice in writing to the owner of that lot ('notice of breach').

(2) A notice of breach shall—

- (a) specify the provision of this local law which has been breached;
- (b) specify the particulars of the breach; and
- (c) state that the owner of the lot is required to remedy the breach within 28 days from the giving of the notice.

PART 7—OFFENCES AND PENALTIES

7.1 Offences and penalties

(1) An owner who fails to comply with a notice of breach commits an offence and is liable upon conviction to a maximum penalty of \$5000 and, if the offence is a continuing offence, a maximum daily penalty of \$500.

(2) A person who fails to comply with or who contravenes any provision of this local law commits an offence and is liable upon conviction to a maximum penalty of \$5000 and, if the offence is a continuing offence, a maximum daily penalty of \$500.

7.2 Modified penalties

(1) An offence against any provision of this local law is a prescribed offence for the purposes of section 9.16(1) of the *Local Government Act 1995*.

(2) Unless otherwise specified, the amount of the modified penalty for an offence against any provision of this local law is \$125.

7.3 Form of notices

For the purposes of this local law—

- (a) the form of the infringement notice referred to in section 9.17 of the *Local Government Act 1995* is to be in the form of Form 2 of Schedule 1 of the *Local Government (Functions and General) Regulations 1996*;
- (b) the form of the withdrawal of infringement notice referred to in section 9.20 of the *Local Government Act 1995* is to be in the form of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

7.4 Objections and appeals

When the local government makes a decision under this local law as to whether it will—

- (a) grant or refuse to grant a person a licence;
- (b) cancel a licence; or
- (c) give a person a notice under clause 6.1,

the provisions of Division 1 of Part 9 of the *Local Government Act 1995* and regulation 33 of the *Local Government (Functions and General) Regulations 1996* shall apply to that decision.

Clause 2.1(2)(a)

SCHEDULE 1

SPECIFICATIONS FOR A SUFFICIENT FENCE ON A RESIDENTIAL LOT

Each of the following is a “sufficient fence” on a Residential Lot—

1. For lots zoned R5 or R2.5, or having an area of 2000m² or larger—
A sufficient fence shall be defined as a 1 metre high, 2.5mm wire mesh rail-less fence with steel posts at a maximum 3 metre spacing, terminal posts to be braced with a diagonal brace in the line of the fence.
2. For lots zoned other than R5 or R2.5, and being less than 2000m² in area—
 - (a) A picket timber fence which satisfies the following specifications—
 - (i) corner posts to be 125mm x 125mm x 2400mm and intermediate posts to be 125mm x 75mm x 2400mm spaced at 2400mm centres;
 - (ii) corner posts to be strutted two ways with 100mm x 50mm x 450mm sole plates and 75mm x 50mm struts;
 - (iii) intermediate posts to be doubled yankee strutted with 150mm x 25mm x 450mm struts;
 - (iv) all posts to have tops with a 60mm weather cut and to be sunk at least 600mm into the ground;
 - (v) rails to be 75mm x 50mm with each rail spanning two bays of fencing double railed or bolted to each post with joints staggered;
 - (vi) the fence to be covered with 75mm x 20mm sawn pickets, 1800mm in height placed 75mm apart and affixed securely to each rail; and
 - (vii) the height of the fence to be 1800mm except with respect to the front setback area for which there is no minimum height, but which is subject to clause 3.1.
 - (b) A fence constructed of corrugated fibre reinforced pressed cement or profiled Colorbond steel sheeting which satisfies the following specifications—
 - (i) to be installed in accordance with the manufacturer’s specifications;
 - (ii) the total height and depth of the fence to consist of a single continuous fibre reinforced cement or steel sheet;
 - (iii) the sheets to be lapped and capped with extruded “snap-fit” type capping in accordance with the manufacturer’s written instructions; and
 - (iv) the height of the fence to be 1800mm except with respect to the front set back area for which there is no minimum height, but which is subject to clause 3.1.
 - (c) A fence constructed of brick, stone or concrete, which satisfies the following specifications—
 - (i) footings of minimum 225mm x 150mm concrete 15MPa or 300mm x 175mm brick laid in cement mortar;
 - (ii) fences to be offset a minimum of 200mm at maximum 3000mm centres or 225mm x 100mm engaged piers to be provided at maximum 3000mm centres;
 - (iii) expansion joints in accordance with the manufacturer’s written instructions; and
 - (iv) the height of the fence to be 1800mm except with respect to the front setback area for which there is no minimum height, but which is subject to clause 3.1.

- (d) A composite fence having a minimum overall height of 1800mm except with respect to the front setback area for which there is no minimum height, but which is subject to clause 3.1, which satisfies the following specifications for the brick construction—
- (i) (a) brick piers of minimum 345mm x 345mm at 1800mm centres bonded to a minimum height base wall of 514mm;
 - (b) each pier shall be reinforced with one R10 galvanised starting rod 1500mm high with a 250mm horizontal leg bedded into a 500mm x 200mm concrete footing and set 65mm above the base of the footing. The top of the footing shall be 1 course (85mm) below ground level;
 - (c) the minimum ultimate strength of brickwork shall be 20MPa. Mortar shall be a mix of 1 part cement, 1 part lime and 6 parts sand;
 - (d) the ground under the footings is to be compacted to 6 blows per 300mm and checked with a standard falling weight penetrometer; and
 - (e) control joints in brickwork shall be provided with double piers at a maximum of 6 metre centres; or
 - (ii) (a) brick piers of a minimum 345mm x 345mm x 2700mm centres bonded to the base wall; and
 - (b) each pier shall be reinforced with two R10 galvanised starting rods as previously specified.

Clause 2.1(2)(b)

SCHEDULE 2

**SPECIFICATIONS FOR A SUFFICIENT FENCE ON A
COMMERCIAL LOT AND AN INDUSTRIAL LOT**

Each of the following is a “sufficient fence” on a Commercial Lot and an Industrial Lot—

1. A fence constructed of galvanised or PVC coated rail-less link mesh, chain mesh or steel mesh which satisfies the following specifications—
 - (a) corner posts to be minimum 50mm normal bore x 3.5mm and with footings of a 225mm diameter x 900mm;
 - (b) intermediate posts to be minimum 37mm nominal bore x 3.15mm at maximum 3.5m centres and with footings of a 225mm diameter x 600mm;
 - (c) struts to be minimum 30mm nominal bore x 3.15mm fitted at each gate and two at each corner post and with footings 225mm x 600mm;
 - (d) cables to be affixed to the top, centre and bottom of all posts and to consist of two or more 3.15mm wires twisted together or single 4mm wire;
 - (e) rail-less link, chain or steel mesh is to be to a height of 2000mm on top of which are to be three strands of barbed wire carrying the fence to a height of 2400mm in accordance with clause 4.2(3) of this local law; and
 - (f) galvanised link mesh wire to be 2000mm in height and constructed of 50mm mesh 2.5mm galvanised iron wire and to be strained, neatly secured and laced to the posts and affixed to cables. Vehicle entry gates shall provide an opening of not less than 3.6 metres, be designed to open inwards, and shall be constructed of 25mm tubular framework with one horizontal and one vertical stay constructed of 20mm piping and shall be covered with 50mm x 2.5mm galvanised link mesh strained to framework. Gates shall be fixed with a drop bolt and locking attachment.
2. A fence of fibre reinforced cement sheet or Colorbond steel sheeting constructed to the minimum specifications referred to in Item 2(b) of Schedule 1.
3. A fence constructed of aluminium sheeting when supported on posts and rails provided that it is used behind a building line and is of a minimum height of 1800mm but no greater than 2400mm.
4. Fences of timber, brick, stone or concrete constructed to the minimum specifications referred to in Schedule 1.
5. Front boundary fencing is subject to a specific Planning Application and Approval. Applications for solid fencing will generally not be supported.

Clause 2.1(2)(c)

SCHEDULE 3
SPECIFICATIONS FOR A SUFFICIENT FENCE
ON A RURAL OR SPECIAL RURAL LOT

- (1) In the case of a non-electrified fence, a sufficient fence on a Rural Lot is a fence of posts and wire construction, the minimum specifications for which are—
- (a) wire shall be high tensile wire and not less than 2.5mm. A minimum of five wires shall be used, generally with the lower wires spaced closer together than the higher wires so as to prevent smaller stock passing through, and connected to posts in all cases;
 - (b) posts shall be of indigenous timber or other suitable material including—
 - timber impregnated with a termite and fungicidal preservative;
 - standard iron star pickets; or
 - concrete;
 - (c) if timber posts are used, posts are to be cut not less than 1800mm long x 50mm diameter at small end if round or 125mm x 60mm if split or sawn. Posts to be placed at not more than 10 metre intervals, set minimum 600mm in the ground and 1200mm above the ground; and
 - (d) strainer posts, if timber, shall be not less than 2250mm long and 150mm diameter at the small end (tubular steel to be 50mm in diameter) and shall be cut from indigenous timber or other suitable material. These shall be placed a minimum of 1000mm in the ground and set at all corners, gateways and fence line angles but not exceeding 200 metres apart.
- (2) An electrified fence having four wires only is a sufficient fence if constructed generally in accordance with (1).
- (3) For Special Rural lots—
- (a) all fencing is subject to a specific Planning Application and Approval in accordance with clause 5.10.2(v) of the local planning scheme.
 - (b) the use of fibre cement sheeting, wooden pickets and metal sheeting as fencing material is not permitted.

Dated this 15th day of September 2008.

The Common Seal of the Shire of Kalamunda was affixed by authority of a resolution of the Council in the presence of—

DONALD McKECHNIE, Shire President.
JAMES TRAIL, Chief Executive Officer.

LOTTERIES

LO301*

Lotteries Commission Act 1990

Lotteries Commission (Monday and Wednesday Lotto) Amendment Rules (No. 2) 2008

Made by the Lotteries Commission under section 28(1) of the Act.

1. Citation

These rules are the *Lotteries Commission (Monday and
Wednesday Lotto) Amendment Rules (No. 2) 2008*.

2. Commencement

These rules come into operation as follows —

- (a) rules 1 and 2 — on the day on which these rules are published in the *Gazette*;
- (b) the rest of the rules —
 - (i) for Monday lotto — on 7 October 2008 and apply to Monday lotto draws conducted on or after 13 October 2008 (*draw No. 2764*); and
 - (ii) for Wednesday lotto — on 9 October 2008 and apply to Wednesday lotto draws conducted on or after 15 October 2008 (*draw No. 2765*).

3. Rules amended

These rules amend the *Lotteries Commission (Monday and Wednesday Lotto) Rules 2006*.

4. Rule 3 amended

In rule 3 in the definition of *Monday and Wednesday Lotto Bloc* after “South Australia” insert:

, Victoria

5. Schedule 1 replaced

Delete Schedule 1 and insert:

Schedule 1 — Calculating the total cost of entry — Monday lotto or Wednesday lotto draw

[r. 5(1)]

The unit cost of entering a Monday lotto or a Wednesday lotto draw is made up of a subscription of 40 cents per game and an agent’s component.

The agent’s component is calculated as 9% of the total subscription amount for a particular week’s entry, rounded* (where necessary) to the nearest 5 cent multiple.

$$((G \times \$0.40) \times .09 \rightarrow \text{rounded}) \times W = T$$

where —

G = No. of games entered in a draw

W = No. of weeks the entry spans

T = Total agent’s component cost payable by the subscriber

Examples:

The total cost of entry for a Slikpik 25 entry for a single Monday lotto or Wednesday lotto draw is calculated as follows —

Subscription [25 games @ \$0.40 each]	=	\$10.00
9% of subscription [.09 x \$10.00]	=	\$0.90
Rounded using “bankers rounding”	=	\$0.90
Total cost of entry	=	\$10.90

The total cost of entry for a System 8 entry for a single Monday lotto or Wednesday lotto draw is calculated as follows —

Subscription [28 games @ \$0.40 each]	=	\$11.20
9% of subscription [.09 x \$11.20]	=	\$1.008
Rounded using “bankers rounding”	=	\$1.00
Total cost of entry	=	\$12.20

The total cost of entry for a 6 game board System 9 entry for a single Monday lotto or Wednesday lotto draw is calculated as follows —

Subscription [6 x 84 games @ \$0.40 each]	=	\$201.60
9% of subscription [.09 x \$201.60]	=	\$18.144
Rounded using “bankers rounding”	=	\$18.15
Total cost of entry	=	\$219.75

The total cost of entry for a Slikpik 25 entry spanning 10 weeks of Monday lotto or Wednesday lotto is calculated as follows —

Subscription for one week [25 games @ \$0.40 each]	=	\$10.00
9% of subscription [.09 x \$10.00]	=	\$0.90
Rounded using “bankers rounding”	=	\$0.90
Total cost of entry for one week	=	\$10.90
Total cost of entry for 10 weeks	=	\$109.00

* Rounding is calculated using the method known as “bankers rounding” or “round-to-even” rounding.

6. Schedule 4 amended

In Schedule 4 in the provision beginning “Unit cost for” delete “\$0.30” and insert:

\$0.40

The Common Seal of the)
 Commission was affixed on the) L.S.
 25th day of September 2008,)
 by order and in the presence of —)

CLYDE BEVAN, Chairperson.

COLIN CAMPBELL-FRASER, Member.

ROGER LEWIS, Member.

LO302*

Lotteries Commission Act 1990

Lotteries Commission (Saturday Lotto) Amendment Rules (No. 2) 2008

Made by the Lotteries Commission under section 28(1) of the Act.

1. Citation

These rules are the *Lotteries Commission (Saturday Lotto) Amendment Rules (No. 2) 2008*.

2. Commencement

These rules come into operation as follows —

- (a) rules 1 and 2 — on the day on which these rules are published in the *Gazette*;
- (b) the rest of the rules — on 12 October 2008 and apply to Saturday lotto draws conducted on or after 18 October 2008 (*draw No. 2843*).

3. Rules amended

These rules amend the *Lotteries Commission (Saturday Lotto) Rules 1996*.

4. Schedule 1 replaced

Delete Schedule 1 and insert:

Schedule 1 — Calculating the total cost of entry — Saturday lotto draw

[r. 5(1)]

The unit cost of entering a Saturday lotto draw is made up of a subscription of 55 cents per game and an agent's component.

The agent's component is calculated as 9% of the total subscription amount for a particular week's entry, rounded* (where necessary) to the nearest 5 cent multiple.

$$((G \times \$0.55) \times .09 \rightarrow \text{rounded}) \times W = T$$

where —

G = No. of games entered in a draw

W = No. of weeks the entry spans

T = Total agent's component cost payable by the subscriber

Examples:

The total cost of entry for a Slikpik 25 entry for a single Saturday lotto draw is calculated as follows —

Subscription [25 games @ \$0.55 each]	=	\$13.75
9% of subscription [.09 x \$13.75]	=	\$1.237
Rounded using "bankers rounding"	=	\$1.25
Total cost of entry	=	\$15.00

The total cost of entry for a System 8 entry for a single Saturday lotto draw is calculated as follows —

Subscription [28 games @ \$0.55 each]	=	\$15.40
9% of subscription [.09 x \$15.40]	=	\$1.386
Rounded using "bankers rounding"	=	\$1.40
Total cost of entry	=	\$16.80

The total cost of entry for a 6 game board System 9 entry for a single Saturday lotto draw is calculated as follows —

Subscription [6 x 84 games @ \$0.55 each]	=	\$277.20
9% of subscription [.09 x \$277.20]	=	\$24.948
Rounded using "bankers rounding"	=	\$24.95
Total cost of entry	=	\$302.15

The total cost of entry for a Slikpik 25 entry spanning 10 weeks of Saturday lotto is calculated as follows —

Subscription for one week [25 games @ \$0.55 each]	=	\$13.75
9% of subscription [.09 x \$13.75]	=	\$1.237
Rounded using “bankers rounding”	=	\$1.25
Total cost of entry for one week	=	\$15.00
Total cost of entry for 10 weeks	=	\$150.00

* Rounding is calculated using the method known as “bankers rounding” or “round-to-even” rounding.

5. Schedule 3 amended

In Schedule 3 in the provision beginning “Unit cost for” delete “\$0.50” and insert:

\$0.55

The Common Seal of the)
Commission was affixed on the) L.S.
25th day of September 2008,)
by order and in the presence of —)

CLYDE BEVAN, Chairperson.

COLIN CAMPBELL-FRASER, Member.

ROGER LEWIS, Member.

— PART 2 —

CONSUMER AND EMPLOYMENT PROTECTION

CE401*

ASSOCIATIONS INCORPORATION ACT 1987
RE-INSTATEMENT

GRAND COUNCIL OF THE ORDER OF THE ALLIED MASONIC DEGREES
OF WESTERN AUSTRALIA INCORPORATED

Notice is hereby given that the incorporation of the above-named association has been re-instated pursuant to Section 35(4) of the *Associations Incorporation Act 1987*.

Dated: 30th September 2008.

ROBERT ALLEN, A/Director,
Business Services for Commissioner for Consumer Protection.

ELECTORAL COMMISSION

EC401*

ELECTORAL ACT 1907
ELECTORAL (POLITICAL FINANCE) REGULATIONS 1996
SPECIFIED AMOUNTS

Pursuant to Regulation 3(4) of the abovementioned Regulations, I hereby state that \$2,100 is the specified amount for the purposes of Part VI of the abovementioned Act.

WARWICK GATELY AM, Electoral Commissioner.

JUSTICE

JU401*

PRISONS ACT 1981
PERMIT DETAILS

Pursuant to the provisions of section 15P of the *Prisons Act 1981*, the Commissioner of the Department of Corrective Services has revoked the following Permit to do High-Level Security Work—

Surname	Other Names	Permit No.	Revocation Date
Holly	Michael	AP 0568	26/09/08
Heveldt	Jason Michael	AP 0483	26/09/08
Lynam	Dianne Lee	AP 0452	26/09/08
Eisenhuth	Vicky Leanne	AP 0260	26/09/08
Hawthorn	Gary Victor	AP 0522	26/09/08
McGrath	Barry	AP 0518	26/09/08

This notice is published under section 15P of the *Prisons Act 1981*.

BRIAN LAWRENCE, Manager Acacia Prison Contract.

JU402*

SUPREME COURT ACT 1935**RULE OF COURT 2009**

(SITTINGS AND WINTER VACATION FOR 2009)

Pursuant to the powers conferred by the *Supreme Court Act 1935*, and all other powers hereunto enabling, the Judges of the Supreme Court hereby order as follows.

PERTH CIVIL SITTINGS

1. Civil sittings of the Supreme Court at Perth for the trial of causes and issues of fact during the year 2009 shall commence on 13 January and shall continue, except for the Easter and Winter vacations and for Public Service holidays, until 23 December.

PERTH CRIMINAL SITTINGS

2. Criminal sittings of the Supreme Court to be held at Perth during the year 2009 shall commence on the following days—

Tuesday	13 January
Monday	2 February
Tuesday	3 March
Wednesday	1 April
Friday	1 May
Tuesday	2 June
Monday	20 July
Monday	3 August
Tuesday	1 September
Thursday	1 October
Monday	2 November
Tuesday	1 December

WINTER VACATION

3. The winter vacation for 2009 shall commence on Monday 6 July and shall terminate on Sunday 19 July.

Dated the 7 day of August 2008.

WAYNE MARTIN
M. J. MURRAY
N. J. OWEN
C. D. STEYTLER
C. WHEELER
G. MILLER
JOHN MCKECHNIE
N. P. HASLUCK
C. PULLIN
N. JOHNSON
R. LE MIERE
CAROLYN JENKINS
MICHAEL J. BUSS
D. NEWNES

CIRCUIT SITTINGS FOR 2009

Pursuant to section 46 of the *Supreme Court Act 1935*, I hereby appoint the following sittings of the Supreme Court at circuit towns for the year 2009.

Circuit Town	Date of Commencement
Albany	2 February
	4 May
	3 August
	16 November
	2 February
Bunbury	30 March
	20 July
	2 November
Busselton	9 February
	11 May
	10 August
	23 November

Circuit Town	Date of Commencement
Esperance	9 February
	11 May
	17 August
	2 November
Fremantle	4 February
	19 May
	25 August
	10 November
Kalgoorlie	23 February
	4 May
	3 August
	26 October
Rockingham	14 December
	10 March
	12 May
	11 August
Carnarvon)	3 November
	2 February
Geraldton)	6 April
Karratha)	8 June
South Hedland)	10 August
Broome)	5 October
Derby)	30 November
Kununurra)	

Dated the 7th day of August 2008.

WAYNE MARTIN, Chief Justice of Western Australia.

LOCAL GOVERNMENT

LG501*

BUSH FIRES ACT 1954

Town of East Fremantle / City of Fremantle

NOTICE TO ALL OWNERS AND/OR OCCUPIERS OF LAND IN EAST FREMANTLE AND FREMANTLE

Pursuant to the powers contained in section 33 of the above Act, you are hereby required on or before 30th day of November, 2008 or within fourteen days of the date of you becoming owner or occupier should this be after the 30th day of November 2008 to clear flammable matter from the land in accordance with the following requirements.

- (a) Land having an area of fifteen hundred (1,500) square metres or less—
Clear all inflammable matter from the whole of the land. When mowing or slashing is carried out, the height of vegetation thereafter must not exceed, one hundred (100) millimetres over the entire area of the land, as far as reasonably practicable as determined by the authorised officer.
- (b) Land having an area of fifteen hundred (1,500) square metres or more—
 - (i) Clear firebreaks of a minimum width of three (3) metres inside all external boundaries of the land and all buildings situated on the land, by ploughing, cultivating or scarifying; or
 - (ii) Mow/Slash the whole of the land. The height of vegetation thereafter must not exceed, one hundred (100) millimetres over the entire area of the land, as far as reasonably practicable as determined by the authorised officer.

Once installed the firebreak must be maintained up to and including the 31st day of March, 2009.

If it is considered to be impractical for any reason to clear firebreaks as required by this notice, you may apply to the Council or its duly authorised officer not later than the 15th day of November, 2008 for permission to provide firebreaks in alternative positions on the land. If the Council or its duly authorised officer does not grant permission, you shall comply with the requirements of this notice.

The penalty for failing to comply with this notice is a fine of not more than \$5000 and a person in default is also liable, whether prosecuted or not, to pay the cost of performing the work directed in this notice if it is not carried out by the owner or occupier by the date required by this notice.

NOTE: Burning is prohibited. No permits will be issued.

By order of Town of East Fremantle,

STUART WEARNE, Chief Executive Officer.

By order of City of Fremantle,

GRAEME MACKENZIE, Chief Executive Officer.

PLANNING AND INFRASTRUCTURE

PI401*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT

City of Wanneroo

District Planning Scheme No. 2—Amendment No. 78

Ref: 853/2/30/19 Pt 78

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 Wanneroo local planning scheme amendment on 15 July 2008 for the purpose of recoding Lots 611, 700 & 701 Hadlow Place and Lots 612 & 702 Dover Court, Marangaroo from R20 to R40.

J. KELLY, Mayor.
D. BLAIR, A/Chief Executive Officer.

PI402*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT

Shire of Busselton

Town Planning Scheme No. 20—Amendment No. 108

Ref: 853/6/6/21 Pt 108

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 Shire of Busselton local planning scheme amendment on 5 August 2008 for the purpose of—

1. Amending the 'Aquaculture', 'Health Care Professional' and 'Guesthouse' interpretations in Schedule 1 to read as follows—

“**Aquaculture**” means any fish farming operation for which an aquaculture licence issued pursuant of the provisions of Part VIII of the *Fish Resources Management Act 1994* and Part VI of the *Fish Resources Management Regulations 1995* is required.

“**Health Care Professional**” means a person who renders professional health services to members of the public, and includes—

- (a) a podiatrist registered under the *Podiatrists Act 2005*;
- (b) chiropractor registered under the *Chiropractic Act 2005*;
- (c) an osteopath registered under the *Osteopaths Act 2005*;
- (d) a physiotherapist registered under the *Physiotherapist Act 2005*;
- (e) an optometrist registered under the *Optometrists Act 2005*; or
- (f) a naturopath, herbalist or practitioner of a like nature.

“**Guesthouse**” means a single building on a lot (which may be in addition to any single house already developed) utilised for the purpose of providing holiday accommodation and typically offering full board for guests. The building would be characterised by individual suites which are serviced by centralised dining (not being a public restaurant) and other facilities. Suites would not be self-contained and occupation would generally be reliant on services provide by management.”

2. Deleting the 'Bed & Breakfast Establishment' interpretation from Schedule 1 and replacing it with a new 'Bed and Breakfast' interpretation to read as follows—

*“**Bed and Breakfast**” means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast.*”
3. Inserting an interpretation of 'Entry Statement' in Schedule 1 to read as follows—

*“**Entry Statement**” means a structure placed at and denoting the entry point to a defined area or location and includes associated landscaping and structures.*”
4. Deleting clause 35 and replacing it with a new clause 35 to read as follows—

“35. BED AND BREAKFAST

 - (1) *The maximum number of rooms to be occupied by guests under the Bed and Breakfast use class is three (3) rooms for Residential zoned lots less than 1,500m².*
 - (2) *The maximum number of rooms to be occupied by guests under the Bed and Breakfast use class is four (4) rooms for—*
 - (a) *Residential zoned lots 1,500m² or greater; or*
 - (b) *any lot in any other zone.*”
5. Amending Table 2 by—
 - * *deleting 'Bed & Breakfast Establishment' (in the Use Class column) and replacing it with 'Bed and Breakfast';*
 - * *identifying 'Home Occupation' as a 'P' use class in the 'Conservation' zone; and*
 - * *identifying 'Multiple Dwelling' as a 'SA' use class in the 'Residential' zone.*
6. Amending clause 60 to read as follows—
 - (1) *Despite the provisions of clause 21 and Table 2, and subject to advertising pursuant to clause 12 of the Scheme, the Council may grant planning consent to the use of land with in R-Code of R30 or greater for the purposes of boarding house, guesthouse, multiple dwelling or residential building.*
 - (2) *For the purposes of sub-clause (1), a multiple dwelling on land with an R-Code of R30 must comply with the R35 general site requirements for multiple dwellings as set out in Table 1 of the R-Codes, with the exception that the minimum site area per dwelling is 325m².*”
7. Amending clause 43(1) to read as follows—

“No person shall occupy a tourist accommodation unit, chalet, caravan, camp or any other form to tourist accommodation for more than a total of 3 months in any on 12 month period.”
8. Deleting clauses 97(4) and 85(6)(c), and deleting the title and detail (provisions) under clauses 39.
9. Renumbering Part 12—Schedules as Part 13 and Part 13—Designated Bushfire Prone Areas as Part 12.
10. Renumbering clause 106 as clause 108 under Part 12—Designated Bushfire Prone Areas and inserting the following two new clause 106 and 107 under Part 11—Administration to read as follows—

“106. AMENDING OR REVOKING A PLANNING CONSENT

The Council may, on written application from the owner of the land in respect of which planning consent has been granted, revoke or amend the planning consent, prior to the commencement of the use or development subject of the planning consent.

107. UNAUTHORIZED EXISTING DEVELOPMENTS

 - (1) *The Council may grant planning consent to a use or development already commenced or carried out regardless of when it was commenced or carried out, if the development conforms to the provisions of the Scheme.*
 - (2) *Development which was unlawfully commenced is not rendered lawful by the occurrence of any subsequent event except the granting of planning consent, and the continuation of the development unlawfully commenced is taken to be lawful upon the grant of planning consent.*

Note:

 1. *Applications for approval to an existing development are made under Part 2.*
 2. *The approval by the local government of an existing development does not affect the power of the local government to take appropriate action for a breach of the Scheme or the Act in respect of the commencement or carrying out of development without planning approval.*”
 11. Inserting a new sub-clause (4) into clause 5 to read as follows—

“Notes are not part of the Scheme.”
 12. Amending clause 11 of Schedule 7 as it relates to Lot 5 and portion of Lot 50 Eagle Bay Road, Eagle Bay to read as follows—

“Dwelling houses must be limited to a maximum height of 7.5m above the natural ground level at any point, with any second storey (first floor) to comprise a gross floor area of not more than 50% of the gross ground floor area. On Lots 12, 13 and 14 the maximum dwelling height shall be limited to the general tree canopy height on the lot and in any event must not exceed 7.5m.”

13. Inserting a new clause 58(1)(g) which reads as follows—
“Despite the acceptable development provisions of 3.10.1 A1 iv and v of the R-Codes, outbuildings that do not exceed a wall height of 2.7m and ridge height of 4.5m are deemed to meet the relevant performance criteria.”
14. Amending clause 85 of the Scheme to reword the title of this clause and insert a passage below the title and above sub-clause (1) which shall read as follows—
“85. RURAL RESIDENTIAL ZONE—SUBDIVISION AND DEVELOPMENT REQUIREMENTS
The following provisions shall apply to all land within the Rural Residential zone in addition to any other provisions which are generally applicable to such land under this Scheme.”
15. Amending clause 85(3) to read as follows—
“Where Clause 85(4) is not applicable and subdivision of lots are either—
(a) not included within an approved Subdivision or Development Guide Plan; or
(b) where no lot size is prescribed in the Rural Strategy adopted by Council and the Western Australian Planning Commission; or
(c) comprising re-subdivision of lots included within an approved Subdivision or Development Guide Plan is proposed.
Council shall not recommend approval of such subdivision prior to approval by Council and the Western Australian Planning Commission of a Development Guide Plan prepared consistent with Clause 25 of this Scheme.
16. Inserting a new clause 85(4) which reads as follows—
“Notwithstanding the provisions of Clause 85(3), a Subdivision or Development Guide Plan may not be required prior to rural residential subdivision and development subject to the consent of Council and the Western Australian Planning Commission. Council and the Western Australian Planning Commission will consider issues relevant to the subdivision and development of the land including; the scale of the proposal, its consistency with the endorsed strategic plans which relate to the land, and the impacts on the local community in making such a determination under this Clause.”
17. Amending clause 85(5)(b) to read as follows—
“Where a building envelope has not been specified, then all buildings must be contained within a regular square or rectangular area of land no greater than 2000m² or as otherwise required by an adopted and endorsed Development Guide Plan.”
18. Amending clause 85(15) to read as follows—
“Not more than one dwelling house may be constructed on any allotment. This provision shall not prevent the Council from granting planning consent for the development of ancillary accommodation for the exclusive use of family members, provided such is—
** integrated in terms of design, colours and materials;*
** physically linked by form of roof cover to the single house, with maximum separation not exceeding 10m;*
** contains not more than one bedroom;*
** utilises shared laundry facilities; and*
** does not exceed 60m² of floor area.”*
19. Renumbering clauses 85(4) to 85(21) to now read clause 85(5) to 85(22).
20. Amending Schedule 10 to include the following detail—

POLICY	ADOPTION DATE
<i>Community Facilities Implementation Policy</i>	<i>June 2006</i>
<i>Mosquito Control Developer Contribution Policy</i>	<i>September 2006</i>
<i>Rear Loaded Lots Design Guidelines</i>	<i>March 2007</i>
<i>Outbuildings Assessment Policy</i>	<i>March 2007</i>
<i>Eagle Bay Special Character Area Policy</i>	<i>April 2007</i>

21. Deleting the Single Residential Development Policy from Schedule 10.
22. Amending clause 84(5) to read as follows—
“No person shall use or develop the land between the building setback line and the road alignment for any purpose other than a means of access, landscaping, dam construction (i.e. subject to planning consent pursuant to clause 83) or a rural activity permissible in the zone.”
23. Inserting a new clause 84(6) to read as follows—
“For the purposes of sub-clause (5), the term “landscaping” may include an entry statement provided that—
(a) the development is not a structure of urban character;
(b) only one entry statement may be developed per lot;
(c) the entry statement is subsidiary to any natural vegetation that currently exists and / or proposed planting as part of a landscaping plan;

- (d) *the entry statement is of a design and scale that minimizes visual impact and is sympathetic with and submissive to the rural and natural scenic character;*
- (e) *the entry statement is constructed of materials and coloured to be compatible with the surrounding landscape; and*
- (f) *the entry statement does not exceed an average height of 1.2m and maximum height of 1.8m (from the natural ground level) and does not exceed a cumulative length of 9m."*

24. Amending clause 25(10) to read as follows—

"A dwelling house may be erected on an existing allotment of land within a Development Investigation Area only where it is proposed to be situated on zoned land, it is consistent with the underlying zoning and Council is satisfied that the siting of the dwelling house is unlikely to prejudice the future development of the land or other land in the vicinity."

25. Deleting 'Additional Use (No. 30)' provision and all relevant details from Schedule 4.

26. Amending clause 1(b) of Schedule 6 to read as follows—

"Council will only permit the construction of grouped housing development of three or more dwellings at a density not exceeding R12.5 with a minimum lot size of 2,400m²."

27. Amending Schedule 7 to include the following detail—

PARTICULARS OF LAND	ZONE	SPECIAL PROVISIONS
<i>Lots 501-510 Milkman Avenue, Broadwater</i>	<i>Residential (R40)</i>	<i>All dwellings / grouped dwellings are to have direct frontage to the road, with battleaxe development and / or battleaxe subdivision (including survey strata and strata subdivision) prohibited.</i>

28. Rezoning Lot 55 and portion of Lot 123 Caves Road, Marybrook from uncoloured to 'Recreation' reserve, as shown on the Scheme Amendment Map.
29. Rezoning portions of Lots 598, 599 and 600 Dobson Court and Lot 582 Wagon Entrance, Broadwater from 'Recreation' reserve to 'Residential R20', as shown on the Scheme Amendment Map.
30. Rezoning portion of Lot 5614 Wagon Entrance, Broadwater from 'Residential R20' to 'Recreation' reserve, as shown on the Scheme Amendment Map.
31. Rezoning Lot 5616 Beachfields Drive, Broadwater from 'Residential R20 and R30' to 'Recreation' reserve, as shown on the Scheme Amendment Map.
32. Recoding portions of Lots 688 and 703 Woollybush Turn and Lots 710—713 Wagon Entrance, Broadwater from 'R30' to 'R20', as shown on the Scheme Amendment Map.
33. Recoding portions of Lots 705—707 Beachfields Drive and Lots 717—721 Echidna Green, Broadwater from 'R30' to 'R20', as shown on the Scheme Amendment Map.
34. Recoding Lots 518—525 Beachfields Drive and portion of Lot 526 Beachfields Drive, Broadwater from 'R30' to 'R20', as shown on the Scheme Amendment Map.
35. Rezoning portions of Lots 5615 and 8003 Bussell Highway, Broadwater from 'Residential R20' to 'Recreation' reserve, as shown on the Scheme Amendment Map.
36. Rezoning portion of Sussex Location 302 Cape Naturaliste Road, Naturaliste from 'Recreation' reserve to 'Agriculture', as shown on the Scheme Amendment Map.
37. Rezoning portion of Lot 501 Vincent Street, Dunsborough from 'Tourist' to 'Recreation' reserve and deleting the 'Coastal Management' area from portion of this land, as shown on the Scheme Amendment Map.
38. Rezoning Lot 476 Margaret Street, West Busselton from 'Residential R15' to 'Recreation' reserve and deleting the 'Coastal Management' area over this land as shown on the Scheme Amendment Map.
39. Rezoning Lot 41 Wyadup Road, Yallingup from 'Rural Residential' and 'Conservation' to 'Recreation' reserve, as shown on the Scheme Amendment Map.
40. Rezoning Lot 5532 Wyadup Road, Lot 5545 Wyadup Road / Cape Clairault Road and Lots 5531 and 5546 Injidup Spring Road, Yallingup for 'Conservation' to 'Recreation' reserve, as shown on the Scheme Amendment Map.
41. Rezoning Lot 62 Payne Road, Jindong from 'Bushland Protection' to 'Recreation' reserve, as shown on the Scheme Amendment Map.
42. Rezoning Lots 5346 and 5347 Kookaburra Way, Vasse from 'Rural Residential' to 'Recreation' reserve, as shown on the Scheme Amendment Map.
43. Rezoning Lot 5577 Whitemoss Drive and Lot 5019 Jarrah Elbow, Vasse from 'Rural Residential' and 'Public Purpose' to uncoloured, as shown on the Scheme Amendment Map.
44. Rezoning portions of Lots 78, 335, and 340 Chapman Street from 'Residential R20 and R30' to 'Recreation' reserve, as shown on the Scheme Amendment Map.
45. Rezoning portion of Lot 64 Norfolk Street, Dunsborough for 'Recreation' reserve to 'Residential R20', as shown on the Scheme Amendment Map.
46. Rezoning portions of Lots 61, 672 and 673 Chapman Street, Dunsborough from 'Recreation' reserve to 'Residential R30', as shown on the Scheme Amendment Map.
47. Rezoning Lot 334 Cape Naturaliste Road, Dunsborough from 'Special Purposes (Aged Person Housing)' to 'Recreation' reserve, as shown on the Scheme Amendment Map.

48. Rezoning Lot 5552 Summer Brace, Yallingup from 'Rural Residential' to uncoloured, as shown on the Scheme Amendment Map.
49. Rezoning portion of Lot 91 Metricup Road, Wilyabrup from 'Agriculture' to 'Viticulture & Tourism', as shown on the Scheme Amendment Map.
50. Rezoning portion of Lot 5528 Cyrillean Way, Dunsborough from 'Business' to 'Recreation' reserve, as shown on the Scheme Amendment Map.
51. Rezoning Lot 5223 Spinnaker Boulevard, Georgraphe from 'Residential R15' to uncoloured, as shown on the Scheme Amendment Map.
52. Rezoning Lot 5136 Chapman Hill Road, Ambergate from 'Agriculture' to 'Public Purposes' reserve, as shown on the Scheme Amendment Map.
53. Rezoning Lot 5421 Wattle Bird Court, Broadwater from 'Residential R20' to uncoloured, as shown on the Scheme Amendment Map.
54. Rezoning Lot 1007 Amiro Street, Lot 5555 May Close and Lot 5556 Butterworth Springs Avenue, Dunsborough from 'Residential R20' to 'Recreation' reserve, as shown on the Scheme Amendment Map.
55. Rezoning portion of Sussex Location 4526 Commonage Road, Quindalup from 'Recreation' reserve to 'Rural Residential', as shown on the Scheme Amendment Map.
56. Including Lots 501—510 Milkman Avenue, Broadwater in a 'Special Provision' area, as shown on the Scheme Amendment Map.
57. Recoding portions of Lot 528 Greenville Way and Lot 511 Milkman Avenue, Broadwater for 'R40' to R20', as shown on the Scheme Amendment Map.
58. Rezoning Lot 8001 Cross Road, Broadwater from 'Residential R40' to 'Recreation' reserve, as shown on the Scheme Amendment Map.
59. Rezoning portion of Lot 2002 Oxford Close, Abbey from 'Residential R20' to 'Recreation' reserve, as shown on the Scheme Amendment Map.
60. Deleting Additional Use (No. 30)' provision (which applies to portions of Lots 499 and 500 Queen Elizabeth Avenue, West Busselton), as shown on the Scheme Amendment Map.
61. Rezoning Lot 500 Queen Elizabeth Avenue, West Busselton from 'Residential (R5)' to 'Special Purposes (Educational Establishment, Place of Assembly, Place of Public Worship and Recreational Facility)', as shown on the Scheme Amendment Map.
62. Updating the clause and Schedule numbering and titling in the Table of Contents.

W. HARTLEY, Shire President.
ANDREW MacNISH, Chief Executive Officer.

PI403*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT
Shire of Busselton
Town Planning Scheme No. 20—Amendment No. 6

Ref: 853/6/6/21 Pt 6

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 Shire of Busselton local planning scheme amendment on 9 September 2008 for the purpose of—

1. Rezoning portions of Lot 18 Vasse Highway, Yalyalup to 'Special Purpose (Yalyalup Development Area)' as depicted on the Scheme Amendment map.
2. Deleting Lot 18 Vasse Highway, Yalyalup from the 'Development Investigation' Area.
3. Modifying Schedule 7 of the Scheme to add a column to consecutively number the 'Special Provision' areas from SP1 onwards.
4. Modifying Schedule 7 of the Scheme to include "portions of Lot 18" in the Special Provision area relating to Lots 2, 6, 32, 202, 501 and 9003 Vasse and Bussell Highways, Yalyalup.
5. Applying the 'Special Provision area' designation to portions of Lot 18 as depicted on the Scheme Amendment map.
6. Inserting the following Special Provisions into Schedule 7 of the Scheme relating to Lots 2, 6, 32, 202, 501 and 9003 Vasse and Bussell Highways, Yalyalup—

Clause 26

Particulars of Land	Zone	Special Provisions
Portion of Lot 18 Vasse Highway, Yalyalup (to the south of the Busselton Outer Transport Corridor)	Special Purpose (Yalyalup Development Area)	16. The DGP prepared for the portion of Lot 18 located to the south of the Busselton Outer Transport Corridor (BTOC) is to include the following— a. demonstration that access to the land from Vasse Highway has

Particulars of Land	Zone	Special Provisions
		<p>been provided to the specifications and satisfaction of Main Roads WA and Shire of Busselton;</p> <p>b. arrangements are made with respect to infrastructure within the locality and the district and access to adjoining lots prior to development or subdivision;</p> <p>c. demonstration of the adequacy of visual buffers from the Vasse Highway and BOTC, design Design guidelines and/or visual management controls for future land use and developments;</p> <p>d. implementation of a revegetation and rehabilitation programme;</p> <p>e. arrangements are made to achieve the ceding of the BOTC;</p> <p>f. demonstration that the potential for future obstacle limitations and/or noise impacts from the Busselton impacts from the Busselton Regional Airport operations are taken into account in the development of the land.</p>

7. Amending the Scheme Map accordingly.

W. HARTLEY, Shire President.
ANDREW MacNISH, Chief Executive Officer.

PUBLIC SECTOR MANAGEMENT

PS401

PUBLIC SECTOR MANAGEMENT ACT 1994

EXEMPTION ORDER

An exemption is hereby made under section 25(1)(a) of the *Public Sector Management Act 1994* from the Secondment Standard, for South West Development Commission, for the circumstances relating to the three year secondment of an identified and suitably qualified person who currently holds the position of Section Chief of Foreign Administration within the Jiaxing provincial government.

This exemption is provided to facilitate employment into a highly specialized area requiring maintaining and expanding networks and business partnerships as part of the Jiaxing-Bunbury relationship.

This order has effect on and from the date of the publication in the *Gazette*.

Dr RUTH SHEAN, Commissioner for
Public Sector Standards.

RACING, GAMING AND LIQUOR

RG401*

LIQUOR CONTROL ACT 1988

LIQUOR APPLICATIONS

The following is a summary of applications received under the *Liquor Control Act 1988 (the Act)* and required to be advertised.

Any person wishing to obtain more details about any application, or about the objection process, should contact the Department of Racing, Gaming & Liquor, 1st Floor, 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			
12550	Dark Horse Developments Pty Ltd	Application for the grant of a Small Bar licence in respect of premises situated in Mount Hawthorn and known as The Cabin Wine Bar & Bistro	27/10/2008
12554	Kevin Freeman & Elaine Freeman	Application for the grant of a Small Bar licence in respect of premises situated in Greenough and known as Central Greenough Café & Visitors Centre	4/11/2008
12558	Winnacott Kats Junior Football Club Inc	Application for the grant of a Club Restricted licence in respect of premises situated in Willagee and known as Winnacott Kats Junior Football Club Inc	20/10/2008
12560	Warren Richard Isbister ATF Carnamah Lawn Tennis Club	Application for the grant of a Club Restricted licence in respect of premises situated in Carnamah and known as Carnamah Lawn Tennis Club	23/10/2008
12561	Red Hospitality Pty Ltd	Application for the grant of a Restaurant licence in respect of premises situated in Canning Vale and known as Dome Canning Vale	2/11/2008
12574	Tersha Pty Ltd	Application for the grant of a Restaurant licence in respect of premises situated in Mosman Park and known as Maretti Caffè Cucina	2/11/2008
12578	Richard John Bull & Derek Leslie Thompson	Application for the grant of a Liquor Store licence in respect of premises situated in Lancelin and known as Lancelin Bottle—O Warehouse	2/11/2008
APPLICATIONS FOR EXTENDED TRADING PERMITS—ONGOING EXTENDED HOURS			
32730	Hermal Pty Ltd	Application for the grant of an extended trading permit—ongoing extended hours, in respect of premises situated in Broome and known as Roebuck Bay Hotel	26/10/2008

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

Dated: 1 October 2008.

B. A. SARGEANT, Director of Liquor Licensing.

SALARIES AND ALLOWANCES TRIBUNAL

SX401*

SALARIES AND ALLOWANCES ACT 1975 **VARIATION OF DETERMINATION OF THE** **SALARIES AND ALLOWANCES TRIBUNAL** **ON REMUNERATION OF MEMBERS OF PARLIAMENT**

September 2008

This determination pursuant to Section 6(1) (a) (ab) and (b) of the *Salaries and Allowances Act 1975*, varies the Charter Transport Allowance in Part 4, Section 2.2 of the determination of 15 September 2008 to deal with some unintended consequences of alterations made to the Tribunal's determination of 15 August 2008.

The purpose of this variation is to ensure that Members of Parliament have a sufficient Charter Transport Allowance to enable them to serve and represent their electorates properly. This determination only affects that part of the determination of 15 September 2008 related to the Charter Transport Allowance.

The Tribunal has already foreshadowed its intention to undertake a further statutory review with respect to the electorate and other allowances payable to Members of Parliament in the near future. In so doing, the Tribunal will consult with Members of Parliament.

This variation to the Tribunal's determination of 15 September 2008 will now issue.

PART 4: TRAVELLING ALLOWANCE**SECTION 2: CHARTER TRANSPORT ALLOWANCE**

2.2 Members representing the under mentioned electorates shall, except where scheduled airlines are operating at reasonably convenient times, be entitled at Government cost to use charter transport within or for the service of their electorates (within Western Australia) and to undertake parliamentary duties, but such cost shall not exceed the amounts specified hereunder for each financial year, less any expenditure incurred at the request of the Member in seeking a variation to the standard applied in Section 4 of Part 3, with effect from 1 July 2008.

ELECTORATE REGION	DISTRICT	CHARTER TRANSPORT ALLOWANCE (Per Financial Year)
Mining and Pastoral Region		\$39,300
	Eyre, Kalgoorlie, Kimberley, North West and Pilbara	\$39,300
Agricultural Region		\$26,600
	Central Wheatbelt, Moore and Wagin	\$21,300
	Geraldton	\$9,000
South West Region		\$21,300
	Albany and Blackwood-Stirling	\$9,000

Signed this 25th day of September 2008.

Professor M. C. WOOD, Chairman.
W. S. COLEMAN AM, Member.
M. L. NADEBAUM, Member.
Salaries and Allowances Tribunal.

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 3 November 2008 after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Bujas, Ante, late of Greenfields Aged Care Facility 95 Lakes Road, Mandurah, died 26.06.2008 (DE33033024EM22)

Etheridge, Estella Maynard, late of 18 Elliott Road, Trigg, died 28.07.2008 (DE19792219EM23)

Foley, Marcus Anthony, late of 51a Southern Cross Circle, Ocean Reef, died 2.11.2007 (DE33062873EM27)

Hoffman, Alexa, late of 80 Simper Street, Wembley, died approx 30.08.2008 (DE19763208EM13)

Knott, Sydney Matthew, late of 1/282 Grand Promenade, Dianella, died 31.08.2008 (DE20010730EM22)

Marangon, Flora, late of Agmaroy Nursing Home, 115 Leach Highway, Wilson, died 22.08.2008 (DE19802770EM32)

Merett, Arthur John, late of 70 Crabtree Way, Medina, died 9.09.2008 (DE33057378EM15)

Newby, Raymond, late of unit 4/10 Kerr Street, Leederville, died 1.09.2008 (DE19830633EM35)

Sains, Anne, late of 123 Coogee Beach Caravan Park, Coogee, died 22.07.2008 (DE19923833EM13)

Slusarczyk, Wally John (aka Walter) (aka Wolodymyr) (aka Vladimir), late of 8 Gallipoli Street, Lathlain, died 24.07.2008 (DE33066203EM313)

Smith, Edith, late of Lee House, Braemar Nursing Home, 10 Windsor Road, East Fremantle, died 4.09.2008 (DE19791029EM13)

Warren, Constance Mary, late of 110 Star Street, Carlisle, died 17.09.2008 (DE30225618EM27)

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

ZX402*

PUBLIC TRUSTEE ACT 1941
ADMINISTERING OF ESTATES

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

Dated at Perth the 3rd day of October 2008.

JOHN SKINNER, Public Trustee,
Public Trust Office,
565 Hay Street,
PERTH WA 6000.

Name of Deceased	Address	Date of Death	Date Election Filed
Lucy Wilkes DE19902826EM16	Amaroo Village Gosnells	26/07/2008	24/09/2008
Marcus Anthony Foley DE33062873EM27	51a Southern Cross Circle Ocean Reef	2/11/2007	26/09/2008

ZX403

TRUSTEES ACT 1962
DECEASED ESTATES

Notice to Creditors and Claimants

Any creditors having claims on the estate of the late Alfons Wroblewski, deceased 14 October 1997; or on the estate of the late Zofia Wroblewski, deceased 18 February 1999; both of 35 Blackburn Street, Bellevue, are required to send particulars of their claims to Mr Tadeuch Wroblewski, Administrator, C/- Lynn & Brown Lawyers, PO Box 1114, Morley, WA 6943 by 31 October 2008, after which date the administrator may distribute the assets having regard only to the claims of which they then have notice.

PUBLIC NOTICES

ZZ401

DISPOSAL OF UNCOLLECTED GOODS ACT 1970

(McInerney Sales Ltd v Sanita Kratina,
Magistrates Court of Western Australia (Perth Registry)
Case Number: 10513/2008)

We, McInerney Sales Pty Ltd (ACN: 008 792 863) T/as McInerney Ford of 239 Walter Road, Morley in the State of Western Australia, hereby inform Sanita Kratina of unknown address and previously of 19C Eastdene Circle, Nollamara in the State of Western Australia that we have made an application to the Magistrates Court of Western Australia (Perth Registry) under section 19 of the Disposal of Uncollected Goods Act, to sell or otherwise dispose of your vehicle, being a Ford Falcon Sedan registration number 1AK X054, VIN 6FPAAAJGSWXS630667.

You may collect your vehicle upon payment of costs incurred by McInerney Sales Pty Ltd from McInerney Ford at 239 Walter Road, Morley before 29 October 2008 otherwise we will proceed to request that the Magistrates Court make an order that we sell or otherwise dispose of the vehicle.

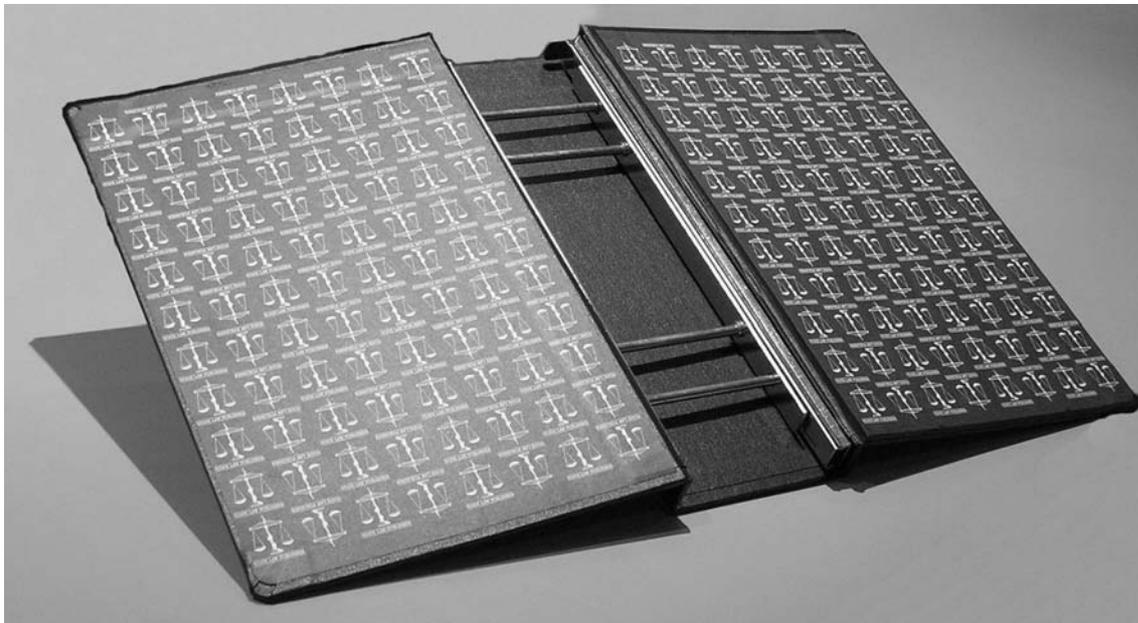
We hereby advise that the Magistrates Court of Western Australia (Perth Registry) located at 32 St Georges Terrace, Perth will be hearing this matter on 29 October 2008 at 9.30 am. If you fail to collect your vehicle or attend the Magistrates Court, you risk an adverse order against you.

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