



**WESTERN  
AUSTRALIAN  
GOVERNMENT  
Gazette**

ISSN 1448-949X

PRINT POST APPROVED PP665002/00041

4765



**PERTH, FRIDAY, 31 OCTOBER 2008 No. 186**

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

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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.

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# — PART 1 —

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## INDUSTRIAL RELATIONS

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IR301\*

Industrial Relations Act 1979

### Industrial Relations Commission Amendment Regulations (No. 5) 2008

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

#### 1. Citation

These regulations are the *Industrial Relations Commission Amendment Regulations (No. 5) 2008*.

#### 2. Commencement

These regulations come into operation as follows —

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

#### 3. Regulations amended

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

#### 4. Regulation 120 amended

- (1) Delete regulation 120(1) and insert:
  - (1) Subject to this regulation, a member of a constituent authority is entitled to be paid such remuneration as the Chief Commissioner from time to time determines.
  - (2A) The Chief Commissioner is to cause notice of each determination under subregulation (1) to be published in the required manner.

(2) In regulation 120(3) delete “prescribed in” and insert:

determined under

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

Date: 28 October 2008.

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## LOCAL GOVERNMENT

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LG301\*

### LOCAL GOVERNMENT ACT 1995

*Shire of Donnybrook-Balingup*

#### EXTRACTIVE INDUSTRIES AMENDMENT 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 Donnybrook-Balingup resolved on 22 October 2008 to make the following local law.

#### 1 Citation

This local law may be cited as the *Shire of Donnybrook-Balingup Extractive Industries Amendment Local Law 2008*.

#### 2 Principal Local Law

In this local law, the *Shire of Donnybrook/Balingup Extractive Industries Local Law* as published in the *Government Gazette* on 9 June 1998 is referred to as the principal local law. The principal local law is amended as follows.

#### 3 Clause 1.1 amended

Clause 1.1 is amended by inserting the following definitions in the appropriate alphabetical order—

“occupier” has the meaning given to it in the Act; ”;

“owner” has the meaning given to it in the Act; ”; and

“person” does not include the local government; ”.

#### 4 Clause 1.1 amended

Clause 1.1 is amended by deleting the meaning of Local Government and replacing with the words—

“ means the Shire of Donnybrook-Balingup; ”.

#### 5 Clause 2.3(1)(b)(xi) amended

Clause 2.3(1)(b)(xi) is amended by inserting the words “sand drift,” before the words “dust nuisance”.

#### 6 Clause 2.3(1)(c)(v) amended

Clause 2.3(1)(c)(v) is amended by deleting the word “and” at the end of the sentence.

#### 7 Clause 2.3(1)(c)(vi) amended

Clause 2.3(1)(c)(vi) is amended by inserting “and” at the end of the sentence.

#### 8 Clause 2.3(1)(c)(vii) inserted

Clause 2.3(1)(c) is amended by inserting new clause (vii)—

“ (vii) how any face is to be made safe and batters sloped. ”.

#### 9 Clause 2.3(1)(i) amended

Clause 2.3(1)(i) is amended by deleting the word “and” at the end of the sentence.

#### 10 Clause 2.3(1)(j) amended

Clause 2.3(1)(j) is amended by deleting the full-stop at the end of the sentence and replacing it with “;and”.

**11 Clause 2.3(1)(k) and (l) inserted**

Clause 2.3(1) is amended by inserting new sub clauses (k) and (l)—

“

(k) copies of any environmental approval required under any environmental legislation; and

(l) copies of any geotechnical information relating to the excavation site;

”

**12 Clause 3.1(4)(b) amended**

Clause 3.1(4)(b) is amended by the deleting the word “and” at the end of the sentence.

**13 Clause 3.1(4)(c) amended**

Clause 3.1(4)(c) is amended by deleting the comma at the end of the sentence and replacing it with “; and”.

**14 Clause 3.1(4)(d) inserted**

Clause 3.1(4) is amended by inserting new subclause (d)—

“ (d) a copy of the public liability insurance policy required under clause 7.1(1) shall issue the licence to the applicant, ”.

**15 Clause 3.1(5)(q) amended**

Clause 3.1(5)(q) is amended by the deleting the word “and” at the end of the sentence.

**16 Clause 3.1(5)(r) amended**

Clause 3.1(5)(r) is amended by deleting the full-stop at the end of the sentence and replacing it with “;and”.

**17 Clause 3.1(5)(s) inserted**

Clause 3.1(5) is amended by inserting new subclause (s)—

“ (s) requiring the licensee to enter into an agreement with the local government by which it agrees to pay any extraordinary expenses incurred by the local government in repairing damage caused to thoroughfares in the district by heavy or extraordinary traffic conducted by or on behalf of the licensee under the licence. ”.

**18 Clause 6.4 inserted**

Part 6 is amended by inserting new Clause 6.4—

**“Obligations of the Licensee**

6.4 A licensee shall—

- (a) where the local government so requires, securely fence the excavation to a standard determined by the local government and keep the gateways locked when not actually in use in order to prevent unauthorised entry;
- (b) erect and maintain warning signs along each of the boundaries of the area excavated under the licence so that each sign—
  - (i) is not more than 200 metres apart;
  - (ii) is not less than 1.8 metres high and not less than 1 metre wide; and
  - (iii) bears the words “DANGER EXCAVATIONS KEEP OUT”;
- (c) except where the local government approves otherwise, drain and keep drained to the local government’s satisfaction any excavation to which the licence applies so as to prevent the accumulation of water;
- (d) restore and reinstate the excavation site in accordance with the terms and conditions of the licence, the site plans and the works and excavation programme approved by the local government;
- (e) take all reasonable steps to prevent the emission of dust, noise, vibration and other forms of nuisance from the excavation site; and
- (f) otherwise comply with the conditions imposed by the local government in accordance with clause 3.1.

Penalty \$5,000 for each offence and if an offence is of a continuing nature, to a daily penalty not exceeding a fine of \$500.00 in respect of each day or part of a day during which the offence has continued.”

**19 Part 9 added**

Part 9 is added as follows—

**“Part 9—Modified Penalties**

9.1 An offence against a clause specified in the Schedule is a prescribed offence for the purposes of section 9.16(1) of the Act.

9.2 The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in the Schedule.

#### Forms

9.3 For the purposes of this local law—

- (a) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*; and
- (b) the form of the notice sent under section 9.20 of the Act withdrawing an infringement notice is that of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.”.

#### 20 Schedule inserted

Schedule 1 is inserted as follows—

“

#### SCHEDULE PRESCRIBED OFFENCES

Clause	Description	Modified Penalty \$
2.1	Carry on extractive industry without licence or in breach of terms and conditions	500
6.1	Excavate near boundary	250
6.2(a)	Remove trees or shrubs near boundary without approval	300
6.2(b)	Gateways not kept locked where required	350
6.2(c)	Warning signs not erected or maintained as required	350
6.2(d)	Excavation not drained as required	350
6.2(e)	Store without required approval explosives or explosive devices	350
6.2(f)	Fill or excavate in breach of licence	350
6.3(1)(a)	Blasting without approval of the local government	250
6.3(1)(b)	Blasting outside times authorised	350
6.3(1)(d)	Blasting in breach of conditions imposed by the local government	350
6.3(2)	Blasting without approval on Saturday, Sunday or public holiday	250

#### 21 Forms deleted

Forms 1-5 are deleted in their entirety from the principal local law.

#### 22 Name of local government amended

Delete “Shire of Donnybrook/Balingup” where it appears throughout the Local Law and substitute “Shire of Donnybrook-Balingup”.

Dated: 22 October 2008.

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

S. B. DILLEY, Shire President.  
J. R. ATTWOOD, Chief Executive Officer.

LG302\*

#### LOCAL GOVERNMENT ACT 1995

#### DIVIDING FENCES ACT 1961

*Shire of Donnybrook-Balingup*

#### FENCING AMENDMENT 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 Donnybrook-Balingup resolved on 22 October 2008 to make the following local law.

**1 Citation**

This local law may be cited as the *Shire of Donnybrook-Balingup Fencing Amendment Local Law 2008*.

**2 Principal Local Law**

In this local law, the *Shire of Donnybrook/Balingup Local Laws Relating to Fencing* as published in the *Government Gazette* on 3 September 1999 is referred to as the principal local law. The principal local law is amended as follows.

**3 Clause 3 amended**

Clause 3 is amended by deleting “*Town Planning and Development Act 1928*” where it appears and substituting with the words “*Planning and Development Act 2005*”.

**4 Clause 11(2)(b) amended**

Clause 11(2)(b) is amended by deleting “AS/NZS 3016:1994” and substituting with the words “AS/NZS 3016:2002: Electrical installations—Electric security fences”.

**5 Clause 14(1) amended**

Clause 14(1) is amended by deleting the words “... or occupier”.

**6 Clause 14(2)(c) amended**

Clause 14(2)(c) is amended by deleting the words “... or occupier”.

**7 Clause 14(3) amended**

Clause 14(3) is amended by deleting the words “... or occupier”.

**8 Clause 14(4) inserted**

Clause 14(4) is inserted as follows—

- “(4) Sub-clause (1) is subject to section 3.25 and item 12 of Division 1 of Schedule 3.1 of the *Local Government Act 1995* and entry onto land will be in accordance with Part 3, Division 3, Subdivision 3 of the *Local Government Act 1995*.”

**9 Clause 16(2) amended**

Clause 16(2) is amended by deleting “\$100” and substituting with the words “\$125”.

**10 Name of Local Government amended**

Delete “Shire of Donnybrook/Balingup” where it appears throughout the Local Law and substituting with the words “Shire of Donnybrook-Balingup”.

Dated: 22 October 2008.

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

S. B. DILLEY, Shire President.  
J. R. ATTWOOD, Chief Executive Officer.

LG303\*

**LOCAL GOVERNMENT ACT 1995***Shire of Donnybrook-Balingup***ACTIVITIES ON THOROUGHFARES AND TRADING IN THOROUGHFARES AND PUBLIC PLACES AMENDMENT 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 Donnybrook-Balingup resolved on 22 October 2008 to make the following local law.

**1 Citation**

This local law may be cited as the *Shire of Donnybrook/Balingup Activities on Thoroughfares and Trading in Thoroughfares and Public Places Amendment Local Law 2008*.

**2 Principal Local Law**

In this local law, the *Shire of Donnybrook/Balingup Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law* as published in the *Government Gazette* of 17 October 2000 is referred to as the principal local law. The principal local law is amended as follows.

### 3 Preliminary

In construing the following modifications, where a modification requires the renumbering of a clause, subclause or paragraph, subsequent modifications have been drafted on the basis that the renumbering has been effected.

#### 4 Clause 1.2 amended

Clause 1.2 is amended as follows—

- (a) In the definition of “bicycle” delete “1975” and substitute “2000”.
- (b) In the definition of “built-up area” delete “1975” and substitute “2000”.
- (c) Delete the definition of “footpath” and in the appropriate alphabetical position insert the definition—  
“ “pathway”—means the paved or made portion of a thoroughfare used or intended for use by pedestrians and cyclists; ”.
- (d) In the definition of “vehicle” delete the word “footpath” and substitute “pathway”.

#### 5 Clause 2.1(a) amended

Clause 2.1(a) is amended by deleting the word “6m” and substituting “10m”.

#### 6 Clause 2.1(d) amended

Clause 2.1(d) is amended by deleting the word “footpath” and substituting “pathway” whenever it appears.

#### 7 Clause 2.2(1)(b) amended

Clause 2.2(1)(b) is amended by inserting the words “in accordance with the terms and conditions” after the word “only”.

#### 8 Clause 2.2(1)(i)

Clause 2.2(1)(i) is amended by inserting the words “, or in order to maintain,” after the word “installing”.

#### 9 Clause 3.3(2)(b)(i) amended

Clause 3.3(2)(b)(i) is amended by inserting the words “or using a driveway on land adjacent to the thoroughfare for access to or from the thoroughfare” after the word “thoroughfare” in the second place where it occurs.

#### 10 Clause 3.5(a) and (c) amended

Clause 3.5(a) and (c) are amended respectively by deleting the word “footpath” and substituting “pathway”.

#### 11 Clause 4.2(3)(a) and (b) amended

Clause 4.2(3)(a) and (b) are amended respectively by deleting the word “footpath” and substituting “pathway”.

#### 12 Clause 6.1 amended

Clause 6.1 the definition of “trading” is amended as follows—

- (a) In paragraph (c) delete subparagraph (iii) and in subparagraph (ii) delete “; or” and substitute “;”
- (b) In paragraph (c) subparagraph (i) after “;” insert the word “or”;
- (c) Renumber paragraph (d) to (g) inclusive to (e) to (h) respectively;
- (d) Insert in the appropriate alphabetical position the following new paragraph—  
“(d) the delivery of pre-ordered goods or services to the purchaser of those goods or services or to the person nominated by the purchaser of those goods or services whether or not payment for those goods or services is accepted on delivery; or  
the taking of further orders for goods or services from the purchaser of those pre-ordered goods or services from the person nominated by the purchaser of those pre-ordered goods or services when those orders are taken at the same time as a previous order is being delivered, whether or not payment is made for those goods or services at the time of taking the order;” ; and
- (e) In the last line, before the word “sold”, insert the word “only”.

#### 13 Clause 6.4 amended

Clause 6.4 is amended by inserting the word “only” after the word “newspaper”.

#### 14 Clause 6.15(1) amended

Clause 6.15(1) is amended by deleting “in the event of an emergency”.

#### 15 Clause 6.20 amended

Clause 6.20 is amended by deleting the words “local government” and substituting “CEO”.

**16 Clause 7.10(1)**

Clause 7.10(1) is amended by deleting subclause (1) and substituting—

- “ (1) Subject to clause 8.1, a permit may be cancelled by the local government if the permit holder has not complied with a—
- (i) condition of the permit; or
  - (ii) provision of any written law which may relate to the activity regulated by the permit. ”.

**17 Schedule 1 amended**

Schedule 1 is deleted and substituted with the following—

“

**SCHEDULE 1  
PRESCRIBED OFFENCES**

<b>Clause</b>	<b>Description</b>	<b>Modified Penalty \$</b>
2.1(a)	Plant of 0.75m in height on thoroughfare within 10m of intersection	125
2.1(b)	Damaging lawn or garden	125
2.1(c)	Plant (except grass) on thoroughfare within 2m of carriageway	125
2.1(d)	Placing hazardous substance on pathway	125
2.1(e)	Damaging or interfering with signpost or structure on thoroughfare	350
2.1(f)	Playing games so as to impede vehicles or persons on thoroughfare	125
2.1(g)	Riding of skateboard or similar device on mall or verandah of shopping centre	125
2.1(h)	Erecting election sign in a public place or thoroughfare	125
2.2(1)(a)	Digging a trench through a kerb or pathway without a permit	125
2.2(1)(b)	Throwing or placing anything on a verge without a permit	125
2.2(1)(c)	Causing obstruction to vehicle or person on thoroughfare without a permit	125
2.2(1)(d)	Causing obstruction to water channel on thoroughfare without a permit	250
2.2(1)(e)	Placing or draining offensive fluid on thoroughfare without a permit	250
2.2(1)(g)	Lighting a fire on a thoroughfare without a permit	350
2.2(1)(h)	Felling tree onto thoroughfare without a permit	125
2.2(1)(i)	Installing pipes or stone on thoroughfare without a permit	125
2.2(1)(j)	Installing a hoist or other thing on a structure or land for use over a thoroughfare without a permit	350
2.2(1)(k)	Creating a nuisance on a thoroughfare without a permit	125
2.2(1)(l)	Placing a bulk rubbish container on a thoroughfare without a permit	125
2.2(1)(m)	Interfering with anything on a thoroughfare without a permit	125
2.3(1)	Consumption or possession of liquor on thoroughfare	125
3.4(1)	Installation of verge treatment other than permissible verge treatment	250
3.5	Failure to maintain permissible verge treatment or placement of obstruction on verge	125
3.6	Failure to comply with notice to rectify default	125

Clause	Description	Modified Penalty \$
4.2(1)	Placing advertising sign or affixing any advertisement on a thoroughfare without a permit	125
4.2(3)	Erecting or placing of advertising sign in a prohibited area	125
5.1(1)	Animal or vehicle obstructing a public place or local government property	125
5.2(2)(a)	Animal on thoroughfare when not led, ridden or driven	125
5.2(2)(b)	Animal on public place with infectious disease	125
5.2(2)(c)	Training or racing animal on thoroughfare in built-up area	125
5.5	Person leaving shopping trolley in public place other than trolley bay	125
5.6(2)	Failure to remove shopping trolley upon being advised of location	125
6.2(1)	Conducting of stall in public place without a permit	350
6.3(1)	Trading without a permit	350
6.8(1)(a)	Failure of stallholder or trader to display or carry permit	125
6.8(1)(b)	Stallholder or trader not displaying valid permit	125
6.8(1)(c)	Stallholder or trader not carrying certified scales when selling goods by weight	125
6.8(2)	Stallholder or trader engaged in prohibited conduct	125
6.10	Establishment or conduct of outdoor eating facility without a permit	350
6.12	Failure of permit holder of outdoor eating facility to comply with obligations	125
6.14(1)	Use of equipment of outdoor eating facility without purchase of food or drink from facility	60
6.14(2)	Failure to leave outdoor eating facility when requested to do so by permit holder	60
6.17	Performing in a public place without a permit	125
6.18(2)	Failure of performer to move onto another area when directed	125
6.21	Failure of performer to comply with obligations	125
7.5	Failure to comply with a condition of a permit	125
7.9	Failure to produce permit on request of authorized person	125
10.1	Failure to comply with notice given under local law	125
	All other offences not specified	125

### 18 Name of Local Government Amended

Delete the words "Shire of Donnybrook/Balingup" where it appears throughout the local law and substituting "Shire of Donnybrook-Balingup".

Dated: 22 October 2008.

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

S. B. DILLEY, Shire President.  
J. R. ATTWOOD, Chief Executive Officer.

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**MARINE/MARITIME**


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MX301\*

Port Authorities Act 1999

## Port Authorities Amendment Regulations (No. 2) 2008

Made by the Governor in Executive Council.

### 1. Citation

These regulations are the *Port Authorities Amendment Regulations (No. 2) 2008*.

### 2. Commencement

These regulations come into operation as follows —

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

### 3. The regulations amended

The amendments in these regulations are to the *Port Authorities Regulations 2001*.

### 4. Schedule 2 amended

Schedule 2 Division 2 is repealed and the following Division is inserted instead —

“

#### Division 2 — Port of Bunbury

1.	Pilotage of a vessel into and out of the port .....	\$3 979.80
2.	Pilotage of a vessel from a place in the port to another place in the port .....	\$1 989.90
3.	Detention of pilot, for each hour or part of an hour .....	\$994.95
4.	Cancellation of pilot .....	\$994.95
5.	Cancellation of pilot boat crew only .....	\$994.95

”

By Command of the Governor,

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

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## — PART 2 —

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### AGRICULTURE AND FOOD

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AG401

**MARKETING OF POTATOES ACT 1946**  
**POTATO MARKETING POOLS**

Potato Marketing Corporation of  
Western Australia.

Public notice in accordance with Section 26(2) of the *Marketing of Potatoes Act 1946*.

**Pool 7, Season 08/09**

Pool period: The pool commences on 11 May to 30 June 2008.

The quantity of ware potatoes required to be accepted: 7,664 tonnes

Additional specifications: Nil

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### CONSUMER AND EMPLOYMENT PROTECTION

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CE401

**COMPANIES (CO-OPERATIVE) ACT 1943**  
**REGISTRATION OF AUDITORS**

Notice is hereby given that the following person is registered as qualified to act as an Auditor pursuant to s402 of the Act with effect from 23 October 2008—

Matthew James Kennon

ANNE DRISCOLL, Registrar for Consumer Protection.

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CE402

**CHARITABLE COLLECTIONS ACT 1946**  
**REVOCATION OF LICENCES**

I, Anne Driscoll, 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—

- ALOLA FOUNDATION LIMITED
- COCKBURN COMMUNITY CARE INCORPORATED
- ROTARY CLUB OF CITY BEACH INC

Dated this 17th day of October 2008.

ANNE DRISCOLL, Commissioner for Consumer Protection.

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CE403\*

**ASSOCIATIONS INCORPORATION ACT 1987**  
**REINSTATED ASSOCIATION**

Fremantle Outrigger Canoe Club 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*.

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

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## HEALTH

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HE401\*

**HEALTH ACT 1911**  
HEALTH (DANGEROUS INFECTIOUS DISEASES)  
AMENDMENT NOTICE 2008

Made by the Governor in Executive Council under section 248.

**Citation**

1. This notice may be cited as the *Health (Dangerous Infectious Diseases) Amendment Notice 2008*.

**Commencement**

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

**Schedule 1 amended**

3. Schedule 1 to the *Health (Dangerous Infectious Diseases) Notice 2000\** is amended in the list of dangerous infectious diseases by deleting the following—

“amoebiasis”

[\*Published in *Gazette* 29 December 2000, p. 7912-13 and amended in *Gazettes* of 30 November 2001, p. 6074-5, 24 April 2003, p. 1278 and 16 January 2004, p.202.]

By Command of the Governor,

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

HE402\*

**MEDICAL ACT 1894**  
MEDICAL (UNMET AREA OF NEED) DETERMINATION (NO. 26) 2008

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. 26) 2008*.

**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 two years after its commencement.

**Schedule**

EMERGENCY MEDICINE CONSULTANTS AT BUNBURY REGIONAL HOSPITAL.

Dated this 20th day of October 2008.

Dr KIM HAMES MLA, Deputy Premier,  
Minister for Health.

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## LOCAL GOVERNMENT

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LG401\*

**LOCAL GOVERNMENT ACT 1995**  
*City of Rockingham*  
(BASIS OF RATES)

Department of Local Government  
and Regional Development.

DLGRD: RK5-4#05

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 John Castrilli MLA, Minister for Local Government, 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 13 October 2008.

JENNIFER MATHEWS, Director General.

Schedule

ADDITIONS TO GROSS RENTAL VALUE AREA

*CITY OF ROCKINGHAM*

All those portions of land being Lot 320, Lot 324, Lot 340 to Lot 342 inclusive, Lot 345 and Lot 357 as shown on Deposited Plan 56185; Lot 358, Lot 359, Lots 378 to Lot 381 inclusive, Lots 407 to 455 inclusive, Lot 458 to 463 inclusive as shown on Deposited Plan 57141 and Lot 346 and Lot 9005 as shown on Deposited Plan 58987.

## MINERALS AND PETROLEUM

### MP401\*

**MINING ACT 1978**  
INTENTION TO FORFEIT

Department of Industry Resources  
Perth WA 6000.

In accordance with Regulation 50(b) of the *Mining Regulations 1981*, notice is hereby given that unless the rent due on the under mentioned licences and leases is paid on or before 28 November 2008 it is the intention of the Minister for Resources under the provisions of sections 96A(1) and 97(1) of the *Mining Act, 1978* to forfeit such for breach covenant, viz, non-payment of rent.

STEDMAN ELLIS, Deputy Director General.

NUMBER	HOLDER	MINERAL FIELD
EXPLORATION LICENCE		
04/1501	Northwest Diamonds Ltd	West Kimberley
09/1192	Ausgemstones Pty Ltd	Gascoyne
36/310	McKnight; Russell Geoffrey	East Murchison
40/87	FMR Investments Pty Limited	North Coolgardie
	Kookynie Resources Pty Ltd	
45/2542	Talga Gold Pty Ltd	Pilbara
51/1119	Kallenia Mines Pty Ltd	Murchison
53/1191	Kallenia Mines Pty Ltd	East Murchison
53/1192	Kallenia Mines Pty Ltd	East Murchison
69/2247	Redstone Resources Ltd	Warburton
69/2248	Redstone Resources Ltd	Warburton
74/278	Epsilon Energy Ltd	Phillips River
77/1313	Meridian Mining Ltd	Yilgarn
80/3465	North Australian Diamonds Ltd	Kimberley
80/3735	Harfort Investments Pty Ltd	Kimberley
MINING LEASE		
16/211	Paddington Gold Pty Ltd	Coolgardie
77/964	Tectonic Resources NL	Yilgarn
GENERAL PURPOSE LEASE		
70/56	Hedges Gold Pty Ltd	South West
70/57	Hedges Gold Pty Ltd	South West
70/58	Hedges Gold Pty Ltd	South West
70/59	Hedges Gold Pty Ltd	South West
70/60	Hedges Gold Pty Ltd	South West
70/61	Hedges Gold Pty Ltd	South West
70/62	Hedges Gold Pty Ltd	South West
70/63	Hedges Gold Pty Ltd	South West
70/64	Hedges Gold Pty Ltd	South West
70/65	Hedges Gold Pty Ltd	South West

**MP402\*****MINING ACT 1978****INSTRUMENT OF CANCELLATION OF EXEMPTION OF LAND**

The Minister responsible for the *Mining Act 1978* pursuant to the powers conferred on him by Section 19 of the *Mining Act 1978*, hereby cancels the exemption of land described hereunder.

**Description of Land**

Land designated S19/310 in the Tengraph electronic plan of the Department of Industry and Resources, being land within Temporary Reserve 3902H. A geospatial description is filed at page 104 of Department of Industry and Resources File No T6943/200702 Vol12.

**Area**

2775.1768 hectares

Dated at Perth this 20th day of October 2008.

NORMAN MOORE MLC, Minister for Mines and Petroleum.

**MP403\*****MINING ACT 1978****INSTRUMENT OF EXEMPTION OF LAND**

The Minister responsible for the *Mining Act 1978*, pursuant to the powers conferred on him by Section 19 of the *Mining Act 1978*, hereby declares the land described hereunder (not being private land or land that is the subject of a mining tenement or an application for a mining tenement) exempt from Divisions 1 to 5 of Part IV of the *Mining Act 1978*.

**Description of Land**

Land designated S19/311 in the Tengraph electronic plan of the Department of Industry and Resources, being land within Temporary Reserve 3902H. A geospatial description is filed at page 150 of Department of Industry and Resources File No T6943/200702 Vol12.

**Area of Land**

2773.6936 hectares

Dated at Perth this 20th day of October 2008.

NORMAN MOORE MLC, Minister for Mines and Petroleum.

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## PLANNING AND INFRASTRUCTURE

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**PI402\*****PLANNING AND DEVELOPMENT ACT 2005****APPROVED LOCAL PLANNING SCHEME AMENDMENT***Shire of Jerramungup*

## Town Planning Scheme No. 2—Amendment No. 1

Ref: 853/5/19/3 Pt 1

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the Shire of Jerramungup local planning scheme amendment on 14 October 2008 for the purpose of—

1. Rezoning a portion of Lot 400 Wellstead Road Bremer Bay from “Rural Zone” to “Rural Residential Zone” as depicted on the Scheme Amendment Map.
2. Reserving a portion of Lot 400 Wellstead Road Bremer Bay from “Rural Zone” to “Recreation” as depicted on the Scheme Amendment Map.
3. Amending the Scheme Text by inserting in Schedule 2 Additional Uses the following—

No.	Description of Land	Additional Use	Conditions
3	Portion of Lot 400 Wellstead Road, Bremer Bay (proposed Lot 9 as shown on the Subdivision Guide	Tourist Accommodation in the form of a maximum of 3 Chalets or an equivalent	<ol style="list-style-type: none"> <li>1. The Additional Use is to be located within the building envelope as shown on the Subdivision Guide Plan.</li> <li>2. The local government is to have regard to the following matters to minimise potential impacts on the natural</li> </ol>

No.	Description of Land	Additional Use	Conditions
	Plan forming part of Amendment No. 1)	capacity Guesthouse ("A" uses)	environment of the site and the residential amenity of the area— <ul style="list-style-type: none"> <li>(a) Clustering of development for vegetation and fire protection.</li> <li>(b) Visual screening of buildings from Wellstead Road.</li> <li>(c) Sensitive access arrangements.</li> <li>(d) Services and onsite water supply arrangements.</li> <li>(e) Effluent disposal arrangements.</li> <li>(f) Building materials and colours to complement the natural landscape.</li> </ul>

4. Amending the Scheme Text by inserting in "Schedule 11 Rural—Residential Zone" the following—

No.	Particulars of Land	Requirements
4	Lot 400 Wellstead Road, Bremer Bay	<p><b>1. Objective</b></p> <p>The objective is to facilitate the creation of a clustered rural—residential retreat with an emphasis on the maintenance, protection and conservation of native vegetation and native fauna in keeping with the natural and visual attributes of the site and the area in general.</p> <p><b>2. Subdivision and Development</b></p> <ul style="list-style-type: none"> <li>(a) Prior to consideration of subdivision by the WAPC, and prior to any site disturbance, a fire management plan is to be prepared and endorsed by the local government and the WAPC. The fire management plan is to accompany the subdivision application for the land.</li> <li>(b) Provided the subdivision design is compatible with the findings of the fire management plan, subdivision is to be in accordance with the Subdivision Guide Plan contained in the Amendment documents. Alternatively, subdivision is to be in accordance with a Subdivision Guide Plan redesigned to respond to the fire management plan to the satisfaction of the Commission, and also submitted with the subdivision application.</li> <li>(c) No further breakdown of lots shall be supported by the local government.</li> <li>(d) Minimum lot sizes are to be generally as shown on the Subdivision Guide Plan—Rural Residential Zone No. 4.</li> <li>(e) All Buildings shall be located within the building envelope shown on the Subdivision Guide Plan.</li> <li>(f) Minimum setbacks for building envelopes are to be 20metres from the road frontage and 15m from all other lot boundaries.</li> <li>(g) Despite (f) above and Clause 5.25.3 (f)(ii) of the Scheme building envelopes for proposed lots 1 to 8 are not to exceed 2,000m<sup>2</sup> and the building envelope for proposed lot 9 is not to exceed 6,000m<sup>2</sup> generally in accordance with the Subdivision Guide Plan.</li> <li>(h) Written approval of the local government is required for any effluent disposal system proposed to be located outside of the building envelope shown on the Subdivision Guide Plan. The local government has the discretion to permit effluent disposal systems to be located outside the designated building envelope only where—           <ul style="list-style-type: none"> <li>(i) the applicant has demonstrated it is necessary due to soil conditions;</li> </ul> </li> </ul>

No.	Particulars of Land	Requirements
		<p>(ii) it does not conflict with the Fire Management Plan; and</p> <p>(iii) the objectives of vegetation protection are maintained.</p> <p><b>3. Protection of Flora and Fauna</b></p> <p>(a) No native vegetation shall be felled or removed from the site except where—</p> <p>(i) required for approved development or subdivision works;</p> <p>(ii) required to fulfil the provisions or requirements of an approved Bush Fire Management Plan;</p> <p>(iii) required by a Council Firebreak Order; or</p> <p>(iv) Trees are declared to be dead, diseased or dangerous.</p> <p>(b) At the time of subdivision, subject to the agreement from the relevant agency, the WAPC may impose a condition requiring a conservation covenant to protect the vegetation in perpetuity and/or a Section 70A Notification on all titles to alert first and subsequent purchasers of the Rural Residential lots that vegetation outside of the designated building envelope is to be maintained and protected for its conservation values in accordance with the objective of the zone.</p> <p>(c) At the time of subdivision, the WAPC may impose a condition requiring that first and subsequent purchasers are provided with an information sheet discouraging the keeping of cats and explaining the adverse impacts that cats and dogs may have on native fauna.</p> <p>(d) Prior to subdivision, the subdivider is to have a comprehensive vegetation assessment conducted to the satisfaction of the Department of Environment and Conservation.</p> <p><b>4. Fire Protection</b></p> <p>(a) The zone is to be self contained for its fire protection needs. Accordingly building protection and fire hazard separation zones, fire fighting water supply, strategic firebreaks, emergency access and egress and any other fire management requirements are to be implemented in accordance with the fire management plan endorsed by the local government and WAPC.</p> <p>(b) The local government may request the Commission to require all subdividing landowners to contribute to a fund administered by the local government and used solely for fire fighting facilities or equipment provided as a condition of subdivision.</p> <p>(c) The local government will require that first and subsequent lot purchasers are provided with a copy of the fire management plan.</p> <p>(d) The local government will require all owners to contribute annually to the special fund to be administered by the local government and used solely for the maintenance of fire fighting facilities or equipment.</p> <p>(e) Council may advertise the Fire Management Plan and liaise with nearby landowners prior to considering its adoption.</p>

B. TREVASKIS, Shire President.  
B. PARKER, Chief Executive Officer.

PI403\*

**PLANNING AND DEVELOPMENT ACT 2005**  
**APPROVED LOCAL PLANNING SCHEME AMENDMENT**  
*Town of Victoria Park*

Town Planning Scheme No. 1—Amendment No. 43

Ref: 853/2/32/2 Pt 43

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the Town of Victoria Park local planning scheme amendment on 14 October 2008 for the purpose of—

1. Modifying the Zoning Table of the Scheme Text by amending the permissibility of Restricted Premises as follows—

Zone	Residential	Residential/Commercial	Office/Residential	Local Centre	District Centre	Commercial	Industrial (1)	Industrial (2)	Special Use
Use Class	1.	2.	3.	4.	5.	6.	7.	8.	9.
Restricted Premises	X	X	X	X	X/AA <sup>4</sup>	X/AA <sup>4</sup>	AA	AA	X

2. Modifying the Zoning Table of the Scheme Text by adding footnote 4 as follows—
  4. The 'Discretionary Use' notation only applies to the Albany Highway Gateway Commercial zone and the East Victoria Park Gateway Shopping Area District Centre zone located within Precinct P11—Albany Highway Precinct, and the Commercial zone located within Precinct P4—McCallum Precinct.
3. Amending Precinct Plans P3, P4, P7, P8, P10, and P11, by amending the extract of the Zoning Table appearing in those Precinct Plans to reflect the amendments to the Zoning Table contained in the Scheme Text.
4. Modify the definition of Restricted Premises under Schedule 1 of the Town Planning Scheme Text to read as follows—
 

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

  - (a) publications that are classified as restricted under the Censorship Act 1996;
  - (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity.
5. Amending the 'TABLE OF CONTENTS' contained in Town Planning Scheme No. 1 Policy Manual by adding reference to Policy 4.13 after Policy 4.12 'Design Guidelines for Developments with Buildings Above 3 Storeys', as follows—
 

4.13 RESTRICTED PREMISES

  - 4.13.1 Introduction
  - 4.13.2 Aim and Objectives
  - 4.14.3 Policy
6. Amending the Town Planning Scheme No. 1 Policy Manual by including a new Policy 4.13 following the existing Policy 4.12 'Design Guidelines for Developments with Buildings Above 3 Storeys', to read as follows—
 

4.13. RESTRICTED PREMISES

  - 4.13.1 INTRODUCTION
 

As part of Council's aim to develop community and family oriented commercial areas this Policy seeks to protect and facilitate the comfort of pedestrians through providing controls for the display of goods, the external appearance of buildings and design and location of advertising associated with Restricted Premises which may be sensitive to the surrounding public environment.
  - 4.13.2 AIM AND OBJECTIVES
 

The objectives of this Policy are to—

    - (a) Control the display of materials, products and advertising of a potentially offensive nature associated with Restricted Premises.
    - (b) Protect the amenity of pedestrians and the surrounding public environment and especially adjoining residential areas.
    - (c) Assist the Council as a basis for making decisions in respect to applications for planning approval for Restricted Premises.

## 4.13.3 POLICY

- (a) Where applications for planning approval for Restricted Premises are submitted the following provisions will be taken into consideration—
- i. Materials, products and advertising of a sexual nature are not to be displayed within the window display area and shall not be visible from outside the building;
  - ii. Concealed/screened areas restricting viewing from entrances and windows into the premises are required to be provided behind window display areas and entrances;
  - iii. Signage, including the name of the Premises shall not be or include advertising or images of a sexual nature;
  - iv. The scale of the proposed use, including the potential impact of opening hours on the amenity of surrounding land uses;
  - v. Particular attention to be given to the visual amenity of the surrounding properties. Restricted Premises shall only be permitted where it can be demonstrated that the external appearance of the Restricted Premises will not be out of character or harmony with the locality in which it is situated;
  - vi. Should planning approval be granted, any approval for the use of Restricted Premises shall be limited to the applicant only. Furthermore, the use of the premises as Restricted Premises by any other person, or the use of the premises for any other purpose, will require a new application for planning approval to be approved by the Council; and
  - vii. In determining any applications for planning consent the Council will have regard to the Town Planning Scheme, Council's Policies and any other relevant document or legislation.
- (b) All applications for Restricted Premises will be subject to advertising in accordance with the Town Planning Scheme and Council's Policies.

T. VAUGHAN, Mayor.  
J. BONKER, Chief Executive Officer.

## PI401\*

**PLANNING AND DEVELOPMENT ACT 2005***Shire of Augusta—Margaret River***LOCAL INTERIM DEVELOPMENT ORDER NO. 16**

Notice is hereby given that in accordance with the provisions of section 105, division 3, part 6 of the *Planning and Development Act 2005*, and by direction of the Minister for Planning, a summary as set out hereunder of the Shire of Augusta—Margaret River Local Interim Development Order No. 16 made pursuant to the provisions of divisions 2 and 3, part 6 of that Act is published for general information.

The Minister for Planning has made copies of this Order available for inspection by any person free of charge at the offices of the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and at the office of the Augusta -Margaret River Shire Council during normal office hours.

**SUMMARY**

1. The Shire of Augusta-Margaret River Local Interim Development Order No. 16 contains provisions *inter alia*—

- (a) That the Order applies to the whole of the Shire of Augusta-Margaret River as specified in the Order.
- (b) That, subject as therein stated, the Augusta-Margaret River Shire Council is the authority responsible for its administration.
- (c) That, subject as therein stated, certain development is exempt from the need to obtain planning approval from the Council.
- (d) That the Order is to be read in conjunction with the Augusta-Margaret River Town Planning Scheme Nos. 11, 16, 17, 18 and 19.
- (e) That where the Schemes referred to in sub clause (d) are inconsistent with the Order, the Order will prevail.
- (f) Relating to certain development permitted by this Order.
- (g) Specifying that the provisions of sub-clauses 2.2(c) and (d) of Augusta-Margaret River Town Planning Scheme No. 11 do not apply.
- (h) Specifying that an application for planning consent made under the Order is deemed refused following a prescribed number of days.
- (i) Relating to the continuance of the lawful use of land and buildings.

- (j) Relating to applications for review of decisions to refuse approval for development or to impose conditions subject to which approval to carry out development is granted.

2. The Order has effect from and after the publication of this Summary in the *Government Gazette* for a period of 12 months or until the Shire of Augusta—Margaret River Local Planning Scheme No. 1 is published in the *Government Gazette*, whichever is the sooner.

WAYNE PRANGNELL, A/Chief Executive Officer.

Date: 25 September 2008.

**PI404\***

**PLANNING AND DEVELOPMENT ACT 2005**

**METROPOLITAN REGION SCHEME**

Notice of Resolution—Clause 27

Wattleup Road, Hammond Park

City of Cockburn

Amendment 1165/27

File No.: 812-2-23-33

Notice is hereby given that in accordance with Clause 27 of the Metropolitan Region Scheme, the Western Australian Planning Commission (WAPC) resolved on 14 October 2008 to transfer land from the urban deferred zone to the urban zone, as shown on WAPC plan 4.1545.

This amendment is effective from the date of publication of this notice in the *Government Gazette*

The plan of the Metropolitan Region Scheme amendment may be viewed at the offices of—

- Western Australian Planning Commission, Wellington Street, Perth
- J S Battye Library, Level 3 Alexander Library Building, Perth Cultural Centre
- Municipal office of the City of Cockburn.

WAYNE WINCHESTER, Acting Secretary,  
Western Australian Planning Commission.

**PI405\***

**PLANNING AND DEVELOPMENT ACT 2005**

**APPROVED LOCAL PLANNING SCHEME AMENDMENT**

*City of Swan*

Local Planning Scheme No. 17—Amendment No. 1

Ref: 853/2/21/16 Pt1

It is hereby notified for public information, in accordance with Section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the City of Swan Local Planning Scheme Amendment on 14 October 2008 for the purpose of—

1. Recoding Lots 52, 4, 5, 6, 7 and 8 Jacana Parade, Ballajura from Residential R17.5 to Residential R40.
2. Amending the Scheme Map accordingly.

C. M. GREGORINI, Mayor.  
M. J. FOLEY, Chief Executive Officer.

**PI406\***

**PLANNING AND DEVELOPMENT ACT 2005**

**APPROVED LOCAL PLANNING SCHEME AMENDMENT**

*Shire of Esperance*

Town Planning Scheme No. 22—Amendment No. 46a

Ref: 853/11/6/21 Pt A0046

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the Shire of Esperance local planning scheme amendment on 14 October 2008 for the purpose of—

1. Replace Appendix 12 “Special Use Zones” for the land description “SU4 Portion Lot 332 Orleans Bay Road, Condingup” and insert the following.

Appendix 12  
 Clause 5.13  
 SPECIAL USE ZONES

Description of Land	Special Use	Conditions
SU4 Portion Lot 322 Orleans Bay Road, Condingup	(a) Tourist Site Within the tourist site the following uses may be permitted at Council's discretion— <ul style="list-style-type: none"> <li>• Guesthouse</li> <li>• Chalet</li> <li>• Restaurant</li> <li>• Dwelling (Managers Residence)</li> <li>• Private Recreation</li> </ul>	(a) The objectives of the zone are— <ul style="list-style-type: none"> <li>(i) To provide for high quality holiday accommodation to complement the Duke of Orleans Bay Caravan Park</li> <li>(ii) To ensure all development within the landscape blends in with the landscape and complements the Condingup townsite.</li> </ul> (b)— <ul style="list-style-type: none"> <li>(i) Development shall generally be in accordance with the concept plan dated April 2006, or any variation to that plan approved by Council and shall incorporate the following—               <ul style="list-style-type: none"> <li>• All Fire breaks between the tourist development and adjoining uses;</li> <li>• Any buffers required from the adjoining blue gum plantation;</li> <li>• If the development is to be staged, the identification of the lots to be developed in each stage.</li> </ul> </li> <li>(ii) All development shall be subject to Planning Approval/Consent.</li> <li>(iii) Only one dwelling may be permitted on the site. This dwelling is for the exclusive occupation of the manager of the tourist accommodation, their partner and dependents.</li> </ul> (c) Provision of Infrastructure— <ul style="list-style-type: none"> <li>(i) The disposal of liquid and/or solid wastes shall be carried out with an effluent disposal system approved by Council and the Health Department of Western Australia.</li> <li>(ii) A potable water supply shall be provided to the satisfaction of Council and in accordance with Clause 5.1.24 of the Scheme.</li> <li>(iii) Appropriate arrangements to be made with the electricity supply to upgrade electricity supply to three phase power.</li> </ul> (d) Location of Buildings and Infrastructure— <ul style="list-style-type: none"> <li>(i) All buildings shall be set back a minimum of 20 metres from Orleans bay Road and Wharton Bay Townsite Reserve unless otherwise determined by Council, in order to reflect current guidelines and codes of practice in relation to bush fire management and buffer setbacks from rural land uses.</li> </ul> (e) Building Designs, Materials and Colour— <ul style="list-style-type: none"> <li>(i) Dwellings, outbuildings and structures associated with the use of the land shall be designed and constructed of materials which allow them to blend into the landscape of the site</li> <li>(ii) No boundary fencing shall be constructed of fibre cement, metal sheeting or wooden picket unless otherwise determined by Council. Preferred fencing shall be of rural construction (post and strand).</li> </ul>

Description of Land	Special Use	Conditions
		<p>(iii) An overall landscape plan for the site shall be prepared to Council's satisfaction and implemented as a condition of planning approval/consent.</p> <p>(f) Bush Fire Management Control—</p> <p>(i) Subdivision and development are to be in accordance with the Fire Management Plan for the land, as endorsed by FESA and the Shire of Esperance and accords with the plan dated April 2007</p> <p>(g) Notification of Prospective Owners—</p> <p>(i) Provision shall be made to Council's satisfaction to ensure prospective purchasers of land within Special Use zone SU4 are given a copy of these conditions prior to entering into an agreement to acquire any property.</p> <p>(ii) Memorials to be incorporated onto all titles advising land owners and their successors of the existing blue gum plantation on the adjoining land and that in future there may be other agricultural uses developed in the surrounding area and that the plantation or other uses may impact on the amenity of the tourist development.</p> <p>(h) Strata Titling—</p> <p>(i) Strata titling of the development shall be subject to a centralised management structure including the preparation of a management statement to the satisfaction of Council, which includes, but is not limited to the following requirements—</p> <ul style="list-style-type: none"> <li>• Provision for a full time manager residing on site;</li> <li>• On going management of common property, the fire management plan and potable water supply;</li> <li>• Implementation of the design guidelines;</li> <li>• Ongoing management of joint effluent disposal systems;</li> <li>• Staging of development to be coordinated with harvesting and lease arrangements relating to the blue gum plantation.</li> <li>• Binding of successive owners of tourism units and the tourism manager/operator;</li> <li>• Occupation of units is controlled by the resort operator and units can only be held out of the rental pool for the period required for maintenance; and</li> <li>• Strata plans are to be specified with a Section 6 restriction of use limiting occupation of tourism units to Tourism purposes with an occupation restriction of a maximum of three months in any twelve month period.</li> </ul> <p>Survey Strata subdivision will not be considered by the Western Australian Planning Commission until such time as the management statement is suitably prepared.</p>

2. Insert the following as Clause 5.1.24—

5.1.24 Potable Water Supply

All buildings intended for residential use shall be connected to a reticulated water supply provided by a licensed water provider. Where a reticulated supply is not available buildings intended for residential use must include provision for the storage of water tanks of not less than 120,000 litres capacity.

Where rainfall is to be used as the predominant source for a water storage tank, the minimum collection area, in terms of rain surface runoff, to service the tank, is to be provided. The collection area will normally comprise of the roof area of structures on the lot and may include the dwelling, outbuildings and any other structure capable of collecting and directing water into the tank.

The size of the collection area is to be based on the following calculation—

Collection area (m<sup>2</sup>) = 120000 divided by 0.85 divided by (local rainfall-24mm)

- Collection area (m<sup>2</sup>) is the minimum area for rain surface runoff that is required to service the water tank.
  - 120000 is the minimum size of the water tank in litres (unless council has determined an alternative size in accordance with the scheme).
  - 0.85 is the efficiency of the collection meaning a minimum of 85% of the water will be collected (Council may accept a greater efficiency rate if it can be demonstrated through design).
  - Local rainfall is the average annual mean rainfall measured in millimetres (mm) guided by the nearest collection point provided by the bureau of Meteorology.
  - 24mm is the anticipated loss through absorption and wetting of materials based on 2mm a month.
3. Insert the following definitions into Schedule 10—
- “**guesthouse**” means integrated premises for short-stay guests comprising serviced accommodation units and on-site tourist facilities such as reception, centralised dining, and management and where occupation by any person is limited to a maximum of three months in any 12 month period;
- “**chalet**” means self-contained premises usually comprising cooking facilities, ensuite, living area and one or more bedrooms used to accommodate short stay guests and where occupation by any person is limited to a maximum of three months in any twelve month period;

I. S. MICKEL, Shire President.  
M. ARCHER, Chief Executive Officer.

PI407\*

**PLANNING AND DEVELOPMENT ACT 2005**

INSTRUMENT OF DELEGATION 2008/01

Amendment of Powers of Officers

Notice of amendment to the Instrument of Delegation to Committees and Officers by the Western Australian Planning Commission as gazetted on 9 February 2007

**Preamble**

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

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

**Resolution under s 16 of the Act (delegation)**

On 28 October 2008 pursuant to section 16 of the Act the WAPC resolved—

- A to amend the Instrument of Delegation to Committees and Officers published in the *Government Gazette* on 9 February 2007 (pages 437-443);
- B to delegate its powers and functions set out in that Instrument of Delegation, as set out in Column 1 of Schedule 1, to the person or persons from time to time holding or acting in the offices in the department charged with the administration of the *Planning and Development Act 2005*, as specified in Column 2 of Schedule 1;
- C to delegate additional powers and functions, as set out in Column 1 of Schedule 2, to the person or persons from time to time holding or acting in the offices of the department charged with the administration of the *Planning and Development Act 2005*, as specified in Column 2 of Schedule 2;
- D to declare that the resolution takes effect when notice of the resolution is published in the *Gazette*.

WAYNE WINCHESTER, Secretary.  
Western Australian Planning Commission.

## Schedule 1

Column 1 (Powers and Functions)	Column 2 (Officers)
Clause 1.2	<ul style="list-style-type: none"> <li>• Director General 20020084</li> <li>• Executive Director State and Regional Policy 20040336 (but confined to matters related to land within the Kimberley, Pilbara, Gascoyne, Mid-West, Goldfields-Esperance, Wheatbelt and Great Southern regions.)</li> <li>• Director Metropolitan North Planning Program 20050047</li> <li>• Director Metropolitan Central Planning Program 20080234</li> <li>• Director Metropolitan South Planning Program 20080235 (but confined to matters related to land within the Perth Metropolitan region.)</li> <li>• Director Peel Planning Program 20080158 (but confined to matters related to land within the Peel Region of the State.)</li> <li>• Director South West Planning Program 20020142 (but confined to matters related to land within the South West Region of the State.)</li> </ul>
Clauses 1.4, 1.5 and 1.8	<ul style="list-style-type: none"> <li>• Director General 20020084</li> <li>• Director Metropolitan North Planning Program 20050047</li> <li>• Director Metropolitan Central Planning Program 20080234</li> <li>• Director Metropolitan South Planning Program 20080235</li> <li>• Director Schemes and Appeals 20070191</li> </ul>
Clause 1.6	<ul style="list-style-type: none"> <li>• Director General 20020084</li> </ul>
Clause 1.7	<ul style="list-style-type: none"> <li>• Director General 20020084</li> <li>• Director Metropolitan North Planning Program 20050047</li> <li>• Director Metropolitan Central Planning Program 20080234</li> <li>• Director Metropolitan South Planning Program 20080235</li> </ul>
Clauses 5.1-5.8, 5.10-5.19, and 5.22-5.23	<ul style="list-style-type: none"> <li>• Director General 20020084</li> <li>• Director Metropolitan North Planning Program 20050047</li> <li>• Director Metropolitan Central Planning Program 20080234</li> <li>• Director Metropolitan South Planning Program 20080235</li> <li>• Director Schemes and Appeals 20070191 (but confined to matters related to land within the Perth Metropolitan Region.)</li> <li>• Executive Director State and Regional Policy 20040336</li> <li>• Director Regional Land Use and Infrastructure 20040345</li> <li>• Team Leader Environment and Sustainability 20020282</li> <li>• Team Leader State and Regional Strategic Planning 20020307</li> <li>• Senior Planner 20070222 (but confined to matters related to land within the Kimberley, Pilbara, Gascoyne, Mid-West, Goldfields-Esperance, Wheatbelt and Great Southern regions.)</li> <li>• Director Peel Planning Program 20080158</li> <li>• Team Leader Peel Region Scheme 20080159 (but confined to matters related to land within the Peel Region of the State.)</li> </ul>
Clauses 5.9, 5.20 and 5.21	<ul style="list-style-type: none"> <li>• Director General 20020084</li> <li>• Executive Director State and Regional Policy 20040336 (but confined to matters related to land within the Kimberley, Pilbara, Gascoyne, Mid-West, Goldfields-Esperance, Wheatbelt and Great Southern regions.)</li> </ul>
All powers in Schedule 7	<ul style="list-style-type: none"> <li>• Director General 20020084</li> <li>• Director Metropolitan North Planning Program 20050047</li> <li>• Director Metropolitan Central Planning Program 20080234</li> <li>• Director Metropolitan South Planning Program 20080235</li> <li>• Director Schemes and Appeals 20070191 (but confined to matters related to land within the Perth Metropolitan Region.)</li> </ul>

Column 1 (Powers and Functions)	Column 2 (Officers)
	<ul style="list-style-type: none"> <li>• Executive Director State and Regional Policy 20040336</li> <li>• Director Regional Land Use and Infrastructure Program 20040345</li> <li>• Team Leader Environment and Sustainability 20020282</li> <li>• Team Leader State and Regional Strategic Planning 20020307</li> <li>• Senior Planner 20070222</li> </ul> <p>(but confined to matters related to land within the Kimberley, Pilbara, Gascoyne, Mid-West, Goldfields-Esperance, Wheatbelt and Great Southern regions.)</p>
	<ul style="list-style-type: none"> <li>• Director Peel Planning Program 20080158</li> <li>• Team Leader Peel Region Scheme 20080159</li> <li>• (but confined to matters related to land within the Peel Region.)</li> </ul>
Clause 9.6	<ul style="list-style-type: none"> <li>• Director General 20020084</li> </ul> <p>(subject to a limitation of \$100,000 in any one contract.)</p>

#### Schedule 2

Column 1 (Powers and Functions)	Column 2 (Officers)
Power to request the Minister for Planning to approve the WAPC disregarding the advice of the Swan River Trust in whole or in part in relation to the approval of development of land within the Riverbank or Development Control Area as defined under the <i>Swan and Canning Rivers Management Act 2006</i> where the determining authority is the WAPC.	<ul style="list-style-type: none"> <li>• Chairman of the WAPC</li> <li>• Director General 20020084</li> <li>• Executive Director Statutory Planning 20050095</li> <li>• Director Metropolitan North Planning Program 20050047</li> <li>• Director Metropolitan Central Planning Program 20080234</li> <li>• Director Metropolitan South Planning Program 20080235</li> <li>• Director Schemes and Appeals 20070191</li> <li>• Team Leader Statutory Planning (Metropolitan North East) 20040096</li> <li>• Team Leader Statutory Planning (Metropolitan North West) 20040097</li> <li>• Team Leader Statutory Planning (Metropolitan Central) 20020243</li> <li>• Team Leader Statutory Planning (Metropolitan South West) 20040095</li> <li>• Team Leader Statutory Planning (Metropolitan South East) 20040094</li> <li>• Team Leader Statutory Planning (Schemes and Amendments) 20040098</li> </ul>

## 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
<b>APPLICATIONS FOR THE GRANT OF A LICENCE</b>			
12583	Anthony Hague-Smith (Anors)	Application for the grant of a Liquor Store Licence in respect of premises situated in Bellevue and known as Darling Range Drive In Liquor Store	24/11/2008

App. No.	Applicant	Nature of Application	Last Date for Objections
<b>APPLICATIONS FOR THE GRANT OF A LICENCE—<i>continued</i></b>			
12620	Greenpiper Pty Ltd	Application for the grant of a Wholesaler's licence in respect of premises situated in Busselton and known as Greenpiper Wine Distributors	13/11/2008
<b>APPLICATION FOR EXTENDED TRADING PERMITS—ONGOING EXTENDED HOURS</b>			
32868	Danesse Pty Ltd	Application for the grant of an Extended Trading Permit (Ongoing Hours) in respect of premises situated in Bunbury and known as Trafalgars.	24/11/2008

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

Dated: 29 October 2008.

B. A. SARGEANT, Director of Liquor Licensing.

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## DECEASED ESTATES

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**ZX401**

**TRUSTEES ACT 1962**

DECEASED ESTATES

Notice to Creditors and Claimants

Stephen John Newton, late of 16 Bower Street, Scarborough, Western Australia, Electrical Contractor, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates) in respect to the estate of the deceased, who died on 15 June 2008 are required by the Executor, Carolyn Dawn Newton of care of Clifton Tham Commercial Law & Litigation of PO Box 1587, Osborne Park WA 6916 to send particulars of their claims to them by no later than Monday, 1 December 2008 after which date the Executor may distribute the assets having regard only to the claims on hand.

**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 estate of Feliksa Fiszer, late of Forrest Gardens Nursing Centre, Woodrow Street, Bunbury who died on 4 March 2008 are required by the personal representative to send particulars of their claims addressed to the Administrator of the Estate of Feliksa Fiszer, deceased care of Young & Young, 5 Spencer Street, Bunbury by the 28th day of November 2008 after which date the personal representative may convey or distribute the assets having regard only to the claims of which the personal representative then has notice.

**ZX403**

**TRUSTEES ACT 1962**

DECEASED ESTATES

Notice to Creditors and Claimants

Kevin Joseph Keane, late of 8/5 Kingsmill Street, Port Hedland, Western Australia, Painter.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates) in respect to the estate of the above deceased who died on 14 August 2008 are required by the deceased's personal representative to send particulars of their claim to his solicitor Mr R. H. George, George Lawyers, PO Box 691 Balcatta WA 6914 within one month of the date of this publication after which date the personal representative may convey or distribute the assets having regard only to the claims of which he then has notice.

**ZX404\***

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

- Cruttenden, Millicent Rita, late of 2 Clayden Court, Bentley, died 6.10.2008 (DE19916599EM36)  
 Donohoe, Jessie Rebecca, late of St George's Home, 2 Essex Street, Bayswater, died 9.10.2008 (DE20002147EM26)  
 Franin, Tony, late of Margaret Hubery House, 36 Fifth Avenue, Shelley, died 17.09.2008 (DE19671539EM36)  
 Fransson, Frans, late of 124a Chapman Road, Geraldton, died 14.10.2008 (DE33068454EM26)  
 Gill, Mervyn Lawrence, late of 6b Cooke Close, Kiara, died 18.09.2008 (DE19782148EM27)  
 Goddard, Doris Violet Betty, late of 5/10 Helmsley Street, Scarborough, died 4.10.2008 (DE33036907EM15)  
 Ignaczak, Jan, late of 72b Towncentre Drive, Thornlie, died 24.07.2008 (DE19981804EM37)  
 Lawn, Allan, late of Joondanna Hostel, Unit 211/5 Osborne Street, Joondanna, died 29.08.2008 (DE19772774EM22)  
 Pestana, Charles Richard, late of Amaroo Village, Unit 47/2 Wreford Court, Gosnells, died 20.09.2008 (DE19722653EM12)  
 Speering, Eileen Margaret, late of 17 Canning Avenue, Mount Pleasant, died 12.11.2008 (DE19763606EM38)  
 Sturzaker, Wilfred James, late of 63/60 Forrest Avenue, East Perth, died 28.09.2008 (DE33068440EM15)  
 Triantopoulos, Olga, late of 28 Kurda Road, Balga, died 7.09.2008 (DE19771832EM13)

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

**ZX405\***

**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 31st day of October 2008.

JOHN SKINNER, Public Trustee,  
565 Hay Street, Perth WA 6000.

Name of Deceased; Address; Date of Death; Date Election Filed.

Gwendolyn, Elizabeth Selena Klix (DE19912506EM16); 147A David Brand Drive, Carnarvon; 2 August 2008; 23 October 2008.

Gloria, Edith Scott (DE30225292EM27); 24 Dudley Street, Midland; 12 April 2008; 23 October 2008.

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## **PUBLIC NOTICES**

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**ZZ401**

**DISPOSAL OF UNCOLLECTED GOODS ACT 1970**  
**DISPOSAL OF UNCOLLECTED GOODS**

The Salvation Army Harry Hunter Rehabilitation Centre wishes to advise that any items left on the property by ex clients and visitors between June 2002 and September 2008 will be disposed of under Part III of the *Disposal of Goods Act 1970*.

Any items belonging to such a person may be picked up at 2498 Albany Highway, Gosnells before 1 December 2008. Items include clothing, small personal items and books.

ZZ402

**DISPOSAL OF UNCOLLECTED GOODS ACT 1970****NOTICE UNDER PART VI OF INTENTION TO APPLY TO COURT FOR AN ORDER TO SELL  
OR OTHERWISE DISPOSE OF GOODS VALUED IN EXCESS OF \$300**

To Esanda Finance, 4/85 Spring Street, Melbourne 3000 and Fay Lewis of unknown address.

You were given notice on 26 June 2006 that the Toyota Celica 1995 Previous Rego. BJC-024 situated at 110 Anderson Street, Geraldton was ready for settlement and delivery.

Unless not more than one month after the date of giving of this notice you contact us to settle account owing, CJ's Automotive of 110 Anderson Street, Geraldton, Bailee, intends making an application to the Court for an order to sell or otherwise dispose of it in accordance of the Act.

Dated: 27 October 2008.

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WESTERN AUSTRALIA

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WESTERN AUSTRALIA

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