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# — PART 1 —

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## HEALTH

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HE301\*

Poisons Act 1964

### Poisons Amendment Regulations (No. 2) 2009

Made by the Governor in Executive Council under section 64 of the Act.

**1. Citation**

These regulations are the *Poisons Amendment Regulations (No. 2) 2009*.

**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 *Poisons Regulations 1965*.

**4. Regulation 48 amended**

In regulation 48(1) delete “4” and insert:

3

**5. Regulation 51A replaced**

Delete regulation 51A and insert:

**51A. Terms used**

- (1) In this Subdivision —  
*authorised prescriber* means a medical practitioner who is designated by the CEO as an authorised prescriber under regulation 51C(1);

**drug addict** means a person who —

- (a) is under a state of periodic or chronic intoxication produced by consumption of a drug of addiction or any substitute; or
- (b) is under a desire or craving to take a drug of addiction or any substitute until he or she has so satisfied that desire or craving; or
- (c) is under a psychic or physical dependence to take a drug of addiction or any substitute; or
- (d) is listed in the register of information kept under the *Drugs of Addiction Notification Regulations 1980*;

**pharmacotherapy** means methadone or buprenorphine, or the salts of those substances, and any preparation or admixture containing those substances, or the salts of those substances;

**pharmacy** means a pharmacy registered under the *Pharmacy Act 1964*;

**Policies Manual** means the “Clinical policies and procedures for the use of methadone and buprenorphine in the treatment of opioid dependence”, published by the Drug and Alcohol Office Western Australia from time to time;

**specialist prescriber** means an authorised prescriber who is designated by the CEO as a specialist prescriber under regulation 51C(2).

- (2) In this Subdivision, a reference to prescribing a drug of addiction or a pharmacotherapy is a reference to writing, issuing or authorising a prescription or document prescribing the use, sale or supply of the drug of addiction or pharmacotherapy.

## 6. Regulation 51AA amended

In regulation 51AA:

- (a) delete “shall,” and insert:

must,

- (b) after “he” insert:

or she

**7. Regulations 51B to 51E replaced**

Delete regulations 51B to 51E and insert:

**51B. Prescription and supply in accordance with this Subdivision — general provision**

- (1) A person must not prescribe or supply a drug of addiction for the treatment of a person who is a drug addict unless the person is authorised to do so under this Subdivision.
- (2) A person who is authorised under this Subdivision to prescribe or supply a drug of addiction for the treatment of a drug addict must do so in accordance with the Policies Manual, except to the extent to which an authorisation, designation or appointment of the person under this Subdivision is inconsistent with the manual.

**51BA. Prescribing drugs of addiction for drug addicts other than for the treatment of drug addiction**

- (1) A medical practitioner or dentist may administer a drug of addiction for the treatment of a person who is a drug addict.
- (2) A medical practitioner or dentist may prescribe or supply a drug of addiction for the treatment of a person who is a drug addict if the medical practitioner or dentist —
  - (a) has been authorised by the CEO under this subregulation to do so for that drug addict; and
  - (b) does so in accordance with the authorisation.
- (3) Subregulations (1) and (2) do not authorise a medical practitioner or dentist to prescribe or supply a pharmacotherapy for the treatment of the drug addiction of a person who is a drug addict.

**51C. Designation of authorised prescribers and specialist prescribers**

- (1) The CEO may designate a medical practitioner as an authorised prescriber for the purposes of this Subdivision.
- (2) The CEO may designate an authorised prescriber as a specialist prescriber for the purposes of this Subdivision.

**51CA. Appointment of medical practitioner as authorised prescriber for a drug addict**

- (1) The CEO may appoint an authorised prescriber to be the authorised prescriber for a person who is a drug addict.
- (2) The appointment as the authorised prescriber for a person is for the period specified in the instrument of appointment.
- (3) The instrument of appointment must be given to the authorised prescriber.

**51CB. Appointment of co-prescriber for a drug addict**

- (1) A specialist prescriber who is the authorised prescriber for a person who is a drug addict may appoint a medical practitioner (who need not be an authorised prescriber) to be a co-prescriber for the person.
- (2) The appointment as a co-prescriber —
  - (a) is for the period specified in the instrument of appointment, which cannot be more than 12 months; and
  - (b) ceases on the earlier of —
    - (i) the end of the period of appointment; or
    - (ii) the specialist prescriber ceasing to be the authorised prescriber for the person.
- (3) The instrument of appointment must be given to the co-prescriber and a copy must be given to the CEO.

**51CC. Designations, authorisations and appointments — general rules**

A designation, authorisation or appointment of a person under this Subdivision —

- (a) must be in writing; and
- (b) may be subject to conditions; and
- (c) may be amended, suspended or revoked at any time.

**51D. Prescribing pharmacotherapies for the treatment of the drug addiction of a drug addict — general rules**

- (1) A medical practitioner may prescribe a pharmacotherapy for the treatment of the drug addiction of a person who is a drug addict if the medical practitioner —
  - (a) is an authorised prescriber; and
  - (b) is appointed as the authorised prescriber for the person; and
  - (c) does so in accordance with that appointment.

- (2) A medical practitioner may prescribe a pharmacotherapy for the treatment of the drug addiction of a person who is a drug addict if the medical practitioner —
  - (a) is an authorised prescriber; and
  - (b) is a member of the same medical practice as the authorised prescriber appointed for the person; and
  - (c) has access to the medical records of the practice relating to the person; and
  - (d) does so in accordance with the appointment of the authorised prescriber for the person.
- (3) A medical practitioner may prescribe a pharmacotherapy for the treatment of the drug addiction of a person who is a drug addict if the medical practitioner —
  - (a) is a co-prescriber for the person; and
  - (b) does so in accordance with —
    - (i) his or her appointment as a co-prescriber; and
    - (ii) the appointment of the authorised prescriber for the person.
- (4) A medical practitioner may prescribe a pharmacotherapy for the treatment of the drug addiction of a person who is a drug addict if the medical practitioner —
  - (a) is a member of the same medical practice as a co-prescriber for the person; and
  - (b) is satisfied that the co-prescriber for the person is absent from the medical practice or is otherwise unable to prescribe a pharmacotherapy for the treatment of the drug addiction of the person; and
  - (c) has access to the medical records of the practice relating to the person; and
  - (d) does so in accordance with —
    - (i) the appointment of the co-prescriber for the person; and
    - (ii) the appointment of the authorised prescriber for the person.
- (5) A prescription for the supply of a pharmacotherapy —
  - (a) under subregulation (3) — may not cover a period of more than 3 months; or
  - (b) under subregulation (4) — may not cover a period of more than one month.

**51DA. Prescribing pharmacotherapies for the treatment of the drug addiction of a drug addict — in a hospital**

- (1) A medical practitioner may prescribe a pharmacotherapy for the treatment of the drug addiction of a person who is a patient in a hospital and who is a drug addict if —
  - (a) an authorised prescriber is appointed for the person; and
  - (b) the medical practitioner is satisfied that it is safe to prescribe a pharmacotherapy for the person; and
  - (c) the medical practitioner does so in accordance with the appointment of the authorised prescriber for the person.
- (2) Subregulation (1) does not authorise the medical practitioner to prescribe a pharmacotherapy unless it will be administered to the person while the person is a patient in the hospital.
- (3) For the purposes of this regulation, a person is a patient in a hospital while the person is admitted as a patient to the hospital.
- (4) A prescription for the supply of a pharmacotherapy under this regulation may not cover a period of more than one month.

**51DB. Prescribing pharmacotherapies for the treatment of the drug addiction of a drug addict — in custody**

- (1) A medical practitioner may prescribe a pharmacotherapy for the treatment of the drug addiction of a person who is in custody and who is a drug addict if —
  - (a) an authorised prescriber is appointed for the person; and
  - (b) the medical practitioner is satisfied that it is safe to prescribe a pharmacotherapy for the person; and
  - (c) the medical practitioner does so in accordance with the appointment of the authorised prescriber for the person.
- (2) Subregulation (1) does not authorise the medical practitioner to prescribe a pharmacotherapy unless it will be administered to the person while the person is in custody.
- (3) A prescription for the supply of a pharmacotherapy under this regulation may not cover a period of more than one month.



**51DC. Prescribing pharmacotherapies for the treatment of the drug addiction of a drug addict — interim prescriptions**

- (1) A specialist prescriber may prescribe a pharmacotherapy for the treatment of the drug addiction of a person who is a drug addict if —
  - (a) an authorised prescriber is appointed for the person; and
  - (b) the specialist prescriber —
    - (i) is satisfied that the person is unable to obtain a prescription for a pharmacotherapy under regulation 51D, 51DA or 51DB; and
    - (ii) is satisfied that it is safe to prescribe a pharmacotherapy for the person; and
    - (iii) does so in accordance with the appointment (whether or not it has ceased) of the authorised prescriber for the person.
- (2) The specialist prescriber must, as soon as is practicable, notify the CEO, and (where relevant) the authorised prescriber for the person, of having prescribed a pharmacotherapy for a person under this regulation.
- (3) A prescription for the supply of a pharmacotherapy under this regulation may not cover a period of more than one month.

**51E. Dispensing drugs of addiction from a pharmacy**

A pharmaceutical chemist or an assistant under the direct personal supervision of a pharmaceutical chemist may dispense a drug of addiction, other than a pharmacotherapy, to a person who is a drug addict.

**51EA. Dispensing pharmacotherapies from a pharmacy**

- (1) The CEO may authorise the dispensing of pharmacotherapies at a pharmacy.
- (2) A pharmaceutical chemist or an assistant under the direct personal supervision of a pharmaceutical chemist may dispense a pharmacotherapy to a person who is a drug addict if the pharmaceutical chemist or assistant does so in accordance with an authorisation governing the dispensing of pharmacotherapies at the pharmacy.
- (3) Pharmacotherapies cannot be dispensed at a pharmacy unless there is an authorisation applying to the dispensing of pharmacotherapies at the pharmacy.

**8. Part 6 Division 2 Subdivision 2A heading inserted**

Before regulation 51F insert:

**Subdivision 2A — Supply and prescription of Schedule 8  
poisons to persons other than drug addicts**

**9. Regulation 51GAA amended**

In regulation 51GAA delete “Despite regulations 51B and 51F,  
a medical” and insert:

A medical

**10. Regulation 51GB amended**

In regulation 51GB(1) delete “Notwithstanding regulations 51B  
to 51F, a medical” and insert:

A medical

**11. Part 8 inserted**

After regulation 65 insert:

**Part 8 — Transitional provisions**

**Division 1 — Transitional provisions relating to the  
*Poisons Amendment Regulations (No. 2) 2009***

**66. Terms used**

In this Division —

*commencement day* means the day on which this  
Division comes into operation;

*prescription* means a prescription or document  
prescribing the use, sale or supply of a drug of  
addiction.

**67. Authorisation to prescribe drugs of addiction**

(1) This regulation applies to a person —

- (a) who was authorised under regulation 51B(1)  
(as in force before commencement day) in  
relation to a drug addict; and
- (b) whose authorisation (the *old authorisation*)  
was in force immediately before  
commencement day.

- (2) The person becomes, on commencement day, a person authorised by the CEO under regulation 51BA(2) for that drug addict on the same terms and conditions as, and (subject to these regulations) for the remainder of the term of, the old authorisation.

**68. Authorisation to prescribe pharmacotherapies**

- (1) This regulation applies to a person —
- (a) who was authorised under regulation 51C (as in force before commencement day) in relation to a drug addict; and
  - (b) whose authorisation (the *old authorisation*) was in force immediately before commencement day.
- (2) The person becomes, on commencement day, a person appointed by the CEO under regulation 51CA(1) to be the authorised prescriber for that drug addict on the same terms and conditions as, and (subject to these regulations) for the remainder of the term of, the old authorisation.

**69. Prescriptions**

Nothing in regulations 51B to 51EA as inserted by the *Poisons Amendment Regulations (No. 2) 2009* (the *new provisions*), prevents a prescription that was written, issued or authorised before commencement day from being dealt with under these regulations as if it had been written, issued or authorised under the new provisions.

**70. Dispensing drugs of addiction from a pharmacy**

Regulation 51B (as inserted by the *Poisons Amendment Regulations (No. 2) 2009*) does not apply to or in respect of a pharmacy until the end of the 12 months after commencement day.

By Command of the Governor,

PETER CONRAN, Clerk of the Executive Council.

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**JUSTICE**

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JU301\*

Criminal Procedure Act 2004

**Criminal Procedure Amendment Regulations  
(No. 3) 2009**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Criminal Procedure Amendment Regulations (No. 3) 2009*.

**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 *Criminal Procedure Regulations 2005*.

**4. Regulation 7A replaced**

Delete regulation 7A and insert:

**7A. Public authority prescribed (CPA s. 18)**

For the purposes of paragraph (c) of the definition of *authorised investigator* in the CPA section 18 the following are a prescribed public authority —

- (a) the Department as defined in the *Child Care Services Act 2007* section 3;
- (b) the Authority as defined in the *Public Transport Authority Act 2003* section 3.

By Command of the Governor,

PETER CONRAN, Clerk of the Executive Council.

JU302\*

Sentencing Act 1995

## Sentencing Amendment Regulations 2009

Made by the Governor in Executive Council.

### 1. Citation

These regulations are the *Sentencing Amendment Regulations 2009*.

### 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 *Sentencing Regulations 1996*.

### 4. Schedule 2 amended

In Schedule 2:

- (a) in the item *The Criminal Code* delete “s. 95,” and insert:

s. 74A, 95,

- (b) delete “435” and insert:

435, 557G, 557H, 557I

By Command of the Governor,

PETER CONRAN, Clerk of the Executive Council.

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**RACING, GAMING AND LIQUOR**

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RG301\*

Liquor Control Act 1988

**Liquor Control (Wangkatjungka Restricted Area) Amendment Regulations 2009**

Made by the Governor in Executive Council on the recommendation of the Minister under section 175(1a) of the Act.

**1. Citation**

These regulations are the *Liquor Control (Wangkatjungka Restricted Area) Amendment Regulations 2009*.

**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 *Liquor Control (Wangkatjungka Restricted Area) Regulations 2008*.

**4. Regulation 9 amended**

In regulation 9 delete “12 months” and insert:

2 years

Recommended by the Minister,

By Command of the Governor,

PETER CONRAN, Clerk of the Executive Council.

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## — PART 2 —

### ARCHITECTS BOARDS OF WA

AX401

**ARCHITECTS REGULATIONS 2005**  
ARCHITECTS BOARD OF WESTERN AUSTRALIA  
Elected Members

The Architects Board of WA recently called for nominations for Board members. As the number of nominations did not exceed the number of vacancies, Mr Bruce Callow and Ms Sally Matthews are taken to be elected. Their term is for a two year period until 30 June 2011.

NICOLE KERR, Registrar.

### CORRECTIVE SERVICES

CS401\*

**COURT SECURITY AND CUSTODIAL SERVICES ACT 1999**  
PERMIT DETAILS

Pursuant to the provisions of section 51 of the *Court Security and Custodial Services Act 1999*, the Commissioner of the Department of Corrective Services has issued the following persons with Permits to do High-Level Security Work—

Surname	First Name(s)	Permit Number	Date Permit Issued	Permit Commence Date	Permit Expiry Date
Darby	Stephen Lee	CS9-417	03/04/2009	15/04/2009	30/07/2011

This notice is published under section 57(1) of the *Court Security and Custodial Services Act 1999*.

BRIAN LAWRENCE, CSCS Contract Manager.

### EDUCATION

ED401\*

**COUNTRY HIGH SCHOOL HOSTELS AUTHORITY ACT 1960**  
APPOINTMENTS

Office of the Minister for Education; Tourism.

It is hereby notified for general information that His Excellency the Governor in Executive Council has, in accordance with Sections 4 and 5 of the *Country High School Hostels Authority Act 1960*, approved the following appointment and re-appointments for a term of three years each expiring on 24 March 2012—

Mr Colin Pettit of 5 Kingsall Road, Attadale WA 6156 as a member of the Country High School Hostels Authority.

Ms Jeanette De Landgraft of Kuliup, RMB 6008, Ravensthorpe WA 6346 as a member of the Country High School Hostels Authority.

Ms Ursula Richards of 28 Rowley Street, Albany WA 6330 as a member of the Country High School Hostels Authority.

Mr Graham Wilks of 141 Olivia Terrace, Carnarvon WA 6701 as a member of the Country High School Hostels Authority.

Dr ELIZABETH CONSTABLE MLA, Minister for Education; Tourism.  
PETER CONRAN, Clerk of the Executive Council.

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**LOCAL GOVERNMENT**

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LG401\*

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1960***City of Canning*

## APPOINTMENT OF AUTHORISED OFFICERS

It is hereby notified for public information that the following person has been appointed as Dog Registration Officer pursuant to Part XX, Section 449 of the *Local Government (Miscellaneous Provision) Act 1960*. The appointment is effective as of 14 April 2009—

Stephanie Mary Louise White

M. DACOMBE, Chief Executive Officer.

LG402\*

*SHIRE OF AUGUSTA-MARGARET RIVER*

## APPOINTMENT OF AUTHORISED PERSON AND REGISTRATION OFFICERS

It is hereby notified for public information that Peter Terence Fagan has been appointed as an Authorised Person of the Shire of Augusta-Margaret River pursuant to the following—

To exercise powers under Part XX of the Local Government (Miscellaneous Provisions) Act 1960; Section 449 of the Local Government Act (Miscellaneous Provisions) Act 1960 as Pound Keeper and Ranger.

Part 9, Division 2 of the Local Government Act 1995;

Section 3.39 of the Local Government Act 1995 as an Authorised Person;

Section 9.13, 9.15 and 9.16 of the Local Government Act 1995 as an Authorised Person,

and as an Authorised Person pursuant to the following—

Dog Act 1976 (as amended) and Regulations;

Control of Vehicles (Off Road Areas) Act 1978-1985 (as amended) and Regulations;

Litter Act 1979-1981 (as amended) and Regulations;

Bush Fires Act 1954 (as amended) and Regulations;

Caravan Parks and Camping Grounds Act 1995 (as amended) and Regulations 1997;

All Shire of Augusta-Margaret River Local Laws.

All previous appointments gazetted 16 January 2007, No. 7, p. 132 are still in effect, and that the following persons are appointed Registration Officers pursuant to the Dog Act 1976—

Gaye Elizabeth Carroll

Alison Rose Scott

Naomi Sharon Sims

Annalisa Joy Crockett

Brianna Rose Dawes.

All other appointments are hereby cancelled.

GARY EVERSLED, Chief Executive Officer.

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**PLANNING AND INFRASTRUCTURE**

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PI401\*

**PLANNING AND DEVELOPMENT ACT 2005**

## APPROVED LOCAL PLANNING SCHEME AMENDMENT

*City of Perth*

City Planning Scheme No. 2—Amendment No. 15

Ref: 853/2/10/26 Pt 15

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the City of Perth City Planning Scheme No. 2 Amendment No. 15 on 21 January 2009 for the purpose of—

1. After Clause 57A(1)(h) insert—

(j) 208-210 Adelaide Terrace Special Control Area



## 2. Insert the following in Schedule 9 Special Control Areas—

## 10.0 208—210 Adelaide Terrace Special Control Area

## 10.1 Special Control Area

The following provisions apply to the land marked as Figure 10—208-210 Adelaide Terrace Special Control Area.

## 10.2 Objectives

The objective of the 208-210 Adelaide Terrace Special Control Area is to facilitate the development of the Special Control Area as a whole in a coordinated manner.

## 10.3 Plot Ratio

For the purpose of determining plot ratio the 208-210 Adelaide Terrace Special Control Area shall be treated as one site.

## 10.4 Car Parking

For the purposes of determining the maximum tenant parking allowance for any development of the subject land, 208-210 Adelaide Terrace Special Control Area shall be treated as one site.

The tenant car parking facilities in one building with the Special Control Area may be leased or used by the tenants of another building within the Special Control Area.

## 3. Amending the Scheme Map and Precinct Plan accordingly.

L. M. SCAFFIDI, Lord Mayor.  
F. R. EDWARDS, Chief Executive Officer.

**PI402\*****PLANNING AND DEVELOPMENT ACT 2005**

## APPROVED LOCAL PLANNING SCHEME AMENDMENT

*City of Stirling*

## District Planning Scheme No. 2—Amendment No. 528

Ref: 853/2/20/34 Pt 528

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 Stirling local planning scheme amendment on 25 March 2009 for the purpose of amending the Scheme Text by inserting the following Special Use Zone into Schedule 2A—

Location	Particulars of Land	Permitted Use	Special Provisions
Scarborough Beach Road, cnr Herbert Street, Doubleview	Lot 758 P.3697 Vol 1089, Folio 341	Multiple Dwellings at an R80 Density and other uses allowed for in a Business Zone	<ol style="list-style-type: none"> <li>The ground floor of the premises to be utilised for Commercial purposes.</li> <li>Brodie Lane adjoining the southern boundary of Lot 798 Scarborough Beach Road shall be widened by 0.49 metres prior to commencement of development or subdivision of the land, such land to be ceded free of cost by the owners of Lot 798 Scarborough Beach Road and without any compensation.</li> </ol>

D. BOOTHMAN, Mayor.  
S. JARDINE, Chief Executive Officer.

PI403\*

PLANNING AND DEVELOPMENT ACT 2005  
APPROVED LOCAL PLANNING SCHEME AMENDMENT

*Shire of Beverley*

Town Planning Scheme No. 2—Amendment No. 13

Ref: 853/4/5/2 Pt 13

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 Beverley local planning scheme amendment on 25 March 2009 for the purpose of—

- (a) Reclassifying Lots 67, 208, 209, 210, 211, the portion of Lots 212 and 213 north of Hamersley Street, and the portion of Lot 214 south of Hamersley Street, Beverley from “Public Purpose” to “Residential R5”.
- (b) Amending the Scheme Map accordingly.
- (c) Renumber Scheme Town Planning No. 2 clause 4.14.3 as 4.14.2

J. D. ALEXANDER, Shire President.  
K. L. BYERS, Chief Executive Officer.

WESTERN AUSTRALIA

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Interstate .....	902.00

### STATUTES

#### **Bound Statutes**

Bound volumes are posted during March of the following year.

	\$
Within WA.....	320.75
Interstate .....	357.15
Overseas .....	415.65
Half Calf Bound Statutes .....	886.05

#### **Loose Statutes**

Statutes are posted weekly as they become available.

	\$
Within WA.....	345.75
Interstate .....	357.15

#### **Sessional Bills**

Bills are posted weekly as they become available.

	\$
Within WA .....	475.45
Interstate .....	498.20

## CLAIMS FOR MISSING SUBSCRIPTION ITEMS

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

Claims lodged after this period will not be recognised and will attract payment in full.