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GOVERNMENT  
**Gazette**

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## **GOVERNMENT GAZETTE**

# **PUBLISHING DETAILS FOR FRIDAY 28 OCTOBER 2011**

**The Gazette will not be published on Friday, 28 October 2011.**

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A Gazette will be published on Thursday, 27 October at 3.30 pm  
Copy closes at noon on Tuesday, 25 October.

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The following Gazette will be published on Tuesday, 1 November at 3.30 pm  
Copy closes at noon on Thursday, 27 October.

# — PART 1 —

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## PROCLAMATIONS

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AA101\*

**LIQUOR CONTROL AMENDMENT ACT 2010**

No. 56 of 2010

PROCLAMATION

Western Australia

*By His Excellency  
Malcolm James McCusker,  
Officer of the Order of Australia,  
Queen's Counsel,  
Governor of the State of Western Australia*

[L.S.]

M. J. McCUSKER  
Governor

I, the Governor, acting under the *Liquor Control Amendment Act 2010* section 2(b) and with the advice and consent of the Executive Council, fix the day after the day on which this proclamation is published in the *Government Gazette* as the day on which Part 3 of that Act comes into operation.

Given under my hand and the Public Seal of the State on 4 October 2011.

By Command of the Governor,

TERRY WALDRON, Minister for Racing and Gaming.

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AA102\*

**COMMONWEALTH HEADS OF GOVERNMENT MEETING  
(SPECIAL POWERS) ACT 2011**

No. 23 of 2011

PROCLAMATION

Western Australia

*By His Excellency  
Malcolm James McCusker,  
Officer of the Order of Australia,  
Queen's Counsel,  
Governor of the State of Western Australia*

[L.S.]

M. J. McCUSKER  
Governor

I, the Governor, acting under the *Commonwealth Heads of Government Meeting (Special Powers) Act 2011* section 2(c) and with the advice and consent of the Executive Council, fix the day after the day on which this proclamation is published in the *Government Gazette* as the day on which Parts 2 to 7 (except s. 81) of that Act come into operation.

Given under my hand and the Public Seal of the State on 4 October 2011.

By Command of the Governor,

ROB JOHNSON, Minister for Police.

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**RACING, GAMING AND LIQUOR**

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RA301\*

Liquor Control Act 1988

**Liquor Control Amendment Regulations  
(No. 6) 2011**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Liquor Control Amendment Regulations (No. 6) 2011*.

**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 on which the *Liquor Control Amendment Act 2010* section 26 comes into operation.

**3. Regulations amended**

These regulations amend the *Liquor Control Regulations 1989*.

**4. Regulation 9A amended**

- (1) In regulation 9A(10a)(b) delete “course and ancillary to a meal.” and insert:

course.

- (2) Delete regulation 9A(10d) and insert:

- (10d) A special facility licence may be granted for the purpose referred to in subregulation (10c) only if the licence is subject to all of the following conditions —
  - (a) the liquor must be sold or supplied only —
    - (i) during a special event; and
    - (ii) in an area approved by the Director;

- (b) the liquor must be sold or supplied only by persons who are —
  - (i) at least 16 years of age; and
  - (ii) in the case of persons under 18 years of age — under the supervision of a responsible adult;
- (c) the sale or supply of liquor to a person other than a liquor merchant must be limited —
  - (i) for liquor supplied for consumption on the grounds of the institution — to the supply of free 30 millilitre samples for tasting purposes; or
  - (ii) for packaged liquor — to the provision of not more than 9 litres to any person and in any transaction;
- (d) the sale or supply of liquor to a liquor merchant —
  - (i) must be limited in accordance with paragraph (c); or
  - (ii) must be approved by the Director.

**5. Regulation 25A inserted**

After regulation 24 insert:

**25A. Prescribed applicants (Act s. 152P)**

The chief executive officer of the Department, as defined in the *Children and Community Services Act 2004* section 3, is prescribed for the purposes of section 152P(4)(b).

**6. Regulation 27 amended**

In regulation 27(2) in the Table insert in numerical order:

- s. 152O(1)
- s. 152S(2)
- s. 152S(5)
- s. 152T(3)

**7. Schedule 3 amended**

In Schedule 3 after item 19B insert:

19C.	Application under section 152W(3), other than by an occupier of premises, for a liquor restriction declaration in relation to the premises .....	250.00	
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By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.

  
  

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## — PART 2 —

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### AGRICULTURE AND FOOD

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AG401\*

**EXOTIC DISEASES OF ANIMALS ACT 1993**  
**IMPORT RESTRICTION ORDER NO. 1/2011 EXTENSION**

The Import Restriction Order made by the Minister for Agriculture and Food under section 24 of the *Exotic Diseases of Animals Act 1993* and published in the *Gazette* on 7 September 2011 is extended for a period of 30 days from the publication of this notice.

TONY HIGGS, Chief Veterinary Officer.

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### ENVIRONMENT

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EV401\*

**BOTANIC GARDENS AND PARKS AUTHORITY ACT 1998**  
**APPROVAL FOR THE BOLD PARK MANAGEMENT PLAN 2011-2016**

The Minister for Environment; Water, the Hon Bill Marmion MLA gives notice pursuant to Section 22 of the *Botanic Gardens and Parks Authority Act 1998*, of approval of a revised management plan for Bold Park—Bold Park Management Plan 2011-2016.

As a result of public consultation some amendments were made to the draft management plan and these were approved by the Minister for Environment; Water under Section 21 of the Act on 29 August 2011. A copy of the final Bold Park Management Plan 2011-2016 and the Audit of Public Submissions on the Draft Bold Park Management Plan 2011-2016, which details amendments made in the final plan, are available from the following offices of the Botanic Gardens and Parks Authority—

Western Australian Ecology Centre, Bold Park (165 Perry Lakes Drive, Floreat)  
Kings Park and Botanic Garden Administration (Fraser Avenue, West Perth)

These documents can also be obtained on request by calling 9480 3990 or can be viewed or downloaded from the Authority's website at [www.bgpa.wa.gov.au](http://www.bgpa.wa.gov.au)

Hon BILL MARMION MLA, Minister for Environment; Water.

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### HEALTH

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HE401\*

**POISONS ACT 1964**  
**POISONS ACT (SECTION 52A) NOTICE 2011**

Made by the Minister under section 52A.

**1. Citation**

This notice may be cited as the *Poisons Act (Section 52A) Notice 2011*.

**2. Revocation of authorisation**

The *Poisons Act (Section 52A) Notice 2010* is revoked.

**3. Authorised officers**

The persons specified in the table to the notice are declared to be authorised officers for the purposes of the Act.

**TABLE**

<b>Neil Keen</b>	Pharmaceutical Services Branch, Disaster Management, Regulation and Planning Directorate, Public Health Division, Department of Health.
<b>Jane Carpenter</b>	Pharmaceutical Services Branch, Disaster Management, Regulation and Planning Directorate, Public Health Division, Department of Health.
<b>Rosemary Arrigo</b>	Pharmaceutical Services Branch, Disaster Management, Regulation and Planning Directorate, Public Health Division, Department of Health.
<b>Anna Gelavis</b>	Pharmaceutical Services Branch, Disaster Management, Regulation and Planning Directorate, Public Health Division, Department of Health.
<b>Joy Knight</b>	Pharmaceutical Services Branch, Disaster Management, Regulation and Planning Directorate, Public Health Division, Department of Health.
<b>Susana Gay</b>	Pharmaceutical Services Branch, Disaster Management, Regulation and Planning Directorate, Public Health Division, Department of Health.
<b>John McEncroe</b>	Pharmaceutical Services Branch, Disaster Management, Regulation and Planning Directorate, Public Health Division, Department of Health.
<b>Susan Gontaszewski</b>	Pharmaceutical Services Branch, Disaster Management, Regulation and Planning Directorate, Public Health Division, Department of Health.
<b>Alpa Dodhia</b>	Pharmaceutical Services Branch, Disaster Management, Regulation and Planning Directorate, Public Health Division, Department of Health.
<b>Michael Cao</b>	Pharmaceutical Services Branch, Disaster Management, Regulation and Planning Directorate, Public Health Division, Department of Health.
<b>Paula Munt</b>	Pharmaceutical Services Branch, Disaster Management, Regulation and Planning Directorate, Public Health Division, Department of Health.
<b>Jillian Murphy</b>	Disaster Management, Regulation and Planning Directorate, Public Health Division, Department of Health.
<b>Carrie Gould</b>	Disaster Management, Regulation and Planning Directorate, Public Health Division, Department of Health.
<b>Mark Walding</b>	Disaster Management, Regulation and Planning Directorate, Public Health Division, Department of Health.
<b>Lisa Stewart</b>	Inspector, Australian Pesticides and Veterinary Medicines Authority.

Dated this 19th day of September 2011.

Dr KIM HAMES MLA, Minister for Health.

**HE402\*****HEALTH PRACTITIONER REGULATION NATIONAL LAW (WA) ACT 2010****MEDICAL (AREA OF NEED) DETERMINATION (NO. 26) 2011**

Made by the Minister for Health pursuant to section 67(5) of the *Health Practitioner Regulation National Law (WA) Act 2010*.

**Citation**

1. This determination may be cited as the *Medical (Area of Need) Determination (No. 26) 2011*.

**Commencement**

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

**Area of need**

3. The area of need specified in the Schedule is determined to be an area of need for the purposes of section 67 of the Act.

**Expiry of determination**

4. This determination expires five years after its commencement.

**SCHEDULE****GENERAL MEDICAL SERVICES IN THE SUBURB OF ROCKINGHAM IN THE CITY OF ROCKINGHAM**

Dated this 1st day of October 2011.

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



**HE403\***

**HEALTH SERVICES (QUALITY IMPROVEMENT) ACT 1994**  
**HEALTH SERVICES (QUALITY IMPROVEMENT) (APPROVED COMMITTEE)**  
**ORDER (NO. 5) 2011**

Made by the Director, Office of Safety and Quality (as delegate of the Minister for Health) pursuant to section 7(1) of the *Health Services (Quality Improvement) Act 1994*.

**Citation**

1. This order may be cited as the *Health Services (Quality Improvement) (Approved Committee) Order (No. 5) 2011*.

**Commencement**

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

**Committee**

3. The Gynaecology Practice Improvement Committee established by the Director General of Health in his capacity as the Board of King Edward Memorial Hospital is an approved quality improvement committee for the purposes of the Act.

**Expiry of order**

4. This order expires three years after its commencement.

Dated this 30th day of September 2011.

STUART DIGGINS, A/Director,  
 Office of Safety and Quality in Healthcare,  
 Performance Activity and Quality Division.

**HE404\***

**HEALTH PRACTITIONER REGULATION NATIONAL LAW (WA) ACT 2010**  
**MEDICAL (AREA OF NEED) DETERMINATION (NO. 26) 2011**

Made by the Minister for Health pursuant to section 67(5) of the *Health Practitioner Regulation National Law (WA) Act 2010*.

**Citation**

1. This determination may be cited as the *Medical (Area of Need) Determination (No. 26) 2011*.

**Commencement**

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

**Area of need**

3. The area of need specified in the Schedule is determined to be an area of need for the purposes of section 67 of the Act.

**Expiry of determination**

4. This determination expires five years after its commencement.

**SCHEDULE**

**GENERAL MEDICAL SERVICES IN THE SUBURB OF ROCKINGHAM IN THE CITY OF  
 ROCKINGHAM**

Dated this 3rd day of October 2011.

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

## **LOCAL GOVERNMENT**

**LG401\***

*TOWN OF KWINANA*  
 APPOINTMENT OF RANGER

It is hereby notified for public information that effective from 30 May 2011 Brent Stein is appointed as Ranger and authorised person/authorised officer of the Town of Kwinana, 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 Authorised Persons/Officers 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, as a Fire Control Officer;  
 Caravan Parks and Camping Grounds Act 1995 (as amended) and Regulations 1997;  
 All Town of Kwinana Local Laws.

The appointment provides the authority to make, lay and swear Prosecution Notices under the *Criminal Procedure Act 2004* on behalf of the Town of Kwinana under the abovementioned Acts, Regulations and Local Laws.

The previous appointments of Kristy Bowell and Tammy Westhousen are cancelled.

NEIL HARTLEY, Chief Executive Officer.

## LG501\*

### BUSH FIRES ACT 1954

*Shire of Toodyay*

#### FIREBREAK ORDER 2011-2012

Pursuant to Section 33 of the *Bush Fires Act 1954*, all residents and ratepayers within the Shire of Toodyay are required to clear a fire break of all inflammable material on their land as set out below.

Due Date: 1 November in each year. Maintained Until: 30 April in the following year.

NB: If you purchase land during this period you have 14 DAYS from purchase to comply with the requirements of this order.

#### 1. Special Rural and Rural Land

*Is all land outside the Gazetted Toodyay Townsite.*

- 1.1 Land up to and including 200 hectares in size requires a minimum of a 3 metre wide and high fire break within 10 metres of the external boundary.
- 1.2 Land exceeding 200 hectares in size requires a minimum of a 3 metre wide and high fire break to divide the property into 200 hectare parcels of land.
- 1.3 A fire break a minimum of 3 metres wide shall be cleared and maintained within 7 metres around all buildings, haystacks and fuel storage areas. In addition to this, a 15 metre wide low fuel area with a maximum vegetation height of 75 mm is to be maintained. NB: It is not a requirement to remove live trees or shrubs except for Dryandra.
- 1.4 A fire break a minimum of a 3 metre wide shall be cleared and maintained around a stationary motor.
- 1.5 A firebreak a minimum of a 20 metre wide shall be cleared and maintained inside the boundary of all land that has been cleared by whatever means and has piles of vegetation (whether for burning or removal) NB: If clearing is completed after 1 November, the fire break is to be installed within 28 days.
- 1.6 On all land situated within the Majestic Heights, Majestic Waters and Vernon Hills subdivisions a Building Protection Zone 25 metres wide shall be established and maintained around all buildings with a further 25 metres of a Hazard Separation Zone.
- 1.7 All lots within the Donegan Views, Gidgegannup Springs and Regal Hills, Subdivisions shall comply with clause 1.1 of this order except for that portion of the lots adjacent to the external boundary of the subdivision. The fire break on the external boundary of the subdivision is to be 6 metres wide, clear of inflammable material with 4 metres trafficable.

Within;

Moodyne Park, (Lots 601, 112, 114, 117, 125, 126, 128, 132, 133 and 134) Majestic Waters, (Lots 5-10 & 13-17) and Park Views (Lots 650, 671-680, 685 & 686) Subdivisions shall comply with clause 1.1 of this order except for that portion of the lots adjacent to the external boundary of the subdivision. The fire break on the external boundary of the subdivision is to be 6 metres wide, clear of inflammable material with 4 metres trafficable.

#### Strategic Fire Breaks

All "Strategic Fire Breaks" within the Shire of Toodyay have now been deemed as Fire Access Roads and will be maintained and upgraded by the Shire of Toodyay at the Shire's expense.

All landowners who previously contributed to the Strategic Firebreaks within the Shire of Toodyay are no longer required to do so but are required to comply with this Order.

**2. Townsite Land**

*Is all land within the Gazetted Toodyay Townsite.*

- 2.1 All Townsite Lots with an area less than 1 hectare (2.47 acres) are required to be fire hazard reduced by—
- Removal of all inflammable material or
  - Reduction of the vegetation fire hazard to a maximum height of 75 mm.
  - Removal of all slashed material.
- 2.2 All Townsite Lots with an area greater than or equal to 1 hectare (2.47 acres) shall comply with either clause 2.1 above or clauses 1.1 and 1.3 of this Order.

**Fire Break Variation**

If for any reason it is considered impracticable to clear fire breaks on any land as required by this Order a Fire Break Variation can be applied for.

All requests for variations must be received at the Shire Office by 1 October in any year. The request must be in writing and provide a sketch of the property with existing fire breaks and the proposed alternative. If permission is granted, it will be in writing and shall remain valid until revoked.

**Burning Garden Refuse, Campfires and Cooking Fires During the Restricted Burning Period.**

The burning of garden refuse and the lighting of camping or cooking fires is prohibited during the Restricted Burning Period unless a valid permit to burn has been obtained from a Fire Control Officer.

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## MARINE/MARITIME

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**MA401\***

**WESTERN AUSTRALIAN MARINE ACT 1982**  
**NAVIGABLE WATERS REGULATIONS 1958**  
 PROHIBITED SWIMMING AREA

City of Greater Geraldton

Department for Planning and Infrastructure,  
 Fremantle WA, 7 October 2011.

Acting pursuant to the powers conferred by Regulation 10A(b) of the Navigable Waters Regulations 1958, I hereby close all of the following waters to swimming, between 7.30 pm and 9.15 pm on Saturday 15 October 2011—

**Area of Closure:** All the waters within a 200 metre radius of the firing point located at the end of the South East Breakwater of Champion Bay, Geraldton.

This area is set aside for safety measures during the set up and display of pyrotechnics associated with the Geraldton-Greenough Sunshine Festival.

RAYMOND BUCHHOLZ, A/ Marine Safety Operations Director,  
 Department of Transport.

**MA402\***

**WESTERN AUSTRALIAN MARINE ACT 1982**  
**NAVIGABLE WATERS REGULATIONS 1958**  
 PROHIBITED SWIMMING AREA

Royal Perth Yacht Club, Swan River

Department of Transport,  
 Fremantle WA, 7 October 2011.

Acting pursuant to the powers conferred by Regulation 10A (b) of the *Navigable Waters Regulations 1958*, I hereby close all of the following waters to swimming, between 7.15pm and 8.15pm on Saturday 8 October 2011—

**Royal Perth Yacht Club:** All the waters within a 100 metre radius around the firing barge; located approximately 100 meters North East of the boating pens associated with the Royal Perth Yacht Club, Swan River at approximately 31° 58'56.01S, 115° 49'29.85E.

This area is set aside for safety measures during the set up and display of pyrotechnics.

RAYMOND BUCHHOLZ, A/Marine Safety Operations Director,  
 Department of Transport.

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**PLANNING**

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PL401\*

**PLANNING AND DEVELOPMENT ACT 2005**  
METROPOLITAN REGION SCHEME MINOR AMENDMENT 1173/57  
STIRLING CITY CENTRE

Approved Amendment

File: 833-2-20-46

The Minister for Planning has approved, with modification, the abovementioned amendment to the Metropolitan Region Scheme. The amendment is shown on Western Australian Planning Commission (WAPC) plan number 3.2321/1 and is effective from the date of publication of this notice in the *Government Gazette*.

By virtue of section 126(1) of the *Planning and Development Act 2005*, the City of Stirling Local Planning Scheme is amended to give effect to the reservations included in MRS Amendment 1173/57.

Copies of the amendment and the accompanying report on submissions are available for public inspection from Friday 7 October 2011 to Friday 11 November 2011 at—

- Western Australian Planning Commission, 140 William Street, Perth
- J S Battye Library, Level 3 Alexander Library Building, Perth Cultural Centre
- City of Stirling
- Town of Cambridge

Documents are also available from the PlanningWA website [www.planning.wa.gov.au](http://www.planning.wa.gov.au).

TONY EVANS, Secretary,  
Western Australian Planning Commission.

PL402\*

**PLANNING AND DEVELOPMENT ACT 2005**  
APPROVED LOCAL PLANNING SCHEME AMENDMENT  
CITY OF GREATER GERALDTON*City of Geraldton*

Town Planning Scheme No. 3—Amendment No. 59

Ref: TPS/0495

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 Greater Geraldton local planning scheme amendment on 30 August 2011 for the purpose of—

1. Rezoning Lot 563 Chapman Road, Beresford from Special Use (Service Station/Produce Stall) to Residential R12.5/40/60.
2. Amending the Scheme Maps accordingly.

R. YURYEVICH, Chairman of Commissioners.  
A. BRUN, Chief Executive Officer.

PL403\*

**PLANNING AND DEVELOPMENT ACT 2005**  
APPROVED LOCAL PLANNING SCHEME AMENDMENT*Shire of Plantagenet*

Town Planning Scheme No. 3—Amendment No. 49

Ref: TPS/0196

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 Plantagenet local planning scheme amendment on 22 September 2011 for the purpose of—

- (1) Amending the Scheme Text in the following manner—
  - a. Adding the Rural Village zone after the Rural Smallholding zone in clause 3.1.1;
  - b. Inserting Column 11 Rural Village with the wording *Refer to Schedule No. 15* for all use classes into Table 1—Zoning Table;

- c. Inserting new clause 3.8 Rural Village Zone to read as follows—

### **3.8 RURAL VILLAGE ZONE**

The following provisions shall apply specifically to all land included in the Rural Village zone in addition to any provisions which are more generally applicable to such land under this Scheme—

- (a) The purpose of the Rural Village Zone is to—
- (i) Provide for sustainable development within and around existing rural villages in the Scheme Area;
  - (ii) Identify areas requiring comprehensive planning prior to subdivision and development; and
  - (iii) Co-ordinate subdivision, land use and development in areas requiring comprehensive planning.
- (b) The objectives of the Rural Village Zone are to—
- (i) Allow for the development of Rural Villages in appropriate strategic locations;
  - (ii) Designate land considered to be generally suitable for Rural Village purposes and to prevent such land being used or developed in a manner that could prejudice its possible future use for planned purposes; and
  - (iii) Provide sustainable development of land in an orderly manner with appropriate levels of physical infrastructure and services.
- (c) The provisions for controlling subdivision, land uses and development relating to specific Rural Village zones will be laid down in Schedule No. 15 to the Scheme.
- (d) A Structure Plan made under clause 3.10 of the Scheme is required for land included in the Rural Village Zone, or for any particular part or parts of a Rural Village Zone, before the Council will recommend subdivision or approve the development of land.
- (e) Where a Structure Plan exists, the subdivision and development of land is to generally be in accordance with the Structure Plan and such plan shall form part of the Scheme.
- (f) The Council or the Commission may as a condition of adopting or approving a Proposed Structure Plan, require a more detailed Structure Plan in future if the Council or the Commission considers that it will be necessary to provide additional detail to the proposals contained in the Proposed Structure Plan.
- d. Renumbering existing clause 3.8 Special Control Areas as clause 3.9.
- e. Inserting clause 3.10 Structure Plan Areas to read as follows—

### **3.10 STRUCTURE PLAN AREAS**

3.10.1 The following provisions for the preparation of Structure Plans exist until such time as such procedures are contained within a State Government Regulation or similar instrument, at which time the procedures contained within such Regulation or similar instrument shall apply.

#### **3.10.2 Purpose of Structure Plan Areas**

- (a) The purposes of Structure Plan Areas are to—
- (i) identify areas requiring comprehensive planning; and
  - (ii) coordinate subdivision and development in areas requiring comprehensive planning.
- (b) Schedule No. 15 describes the Structure Plan Areas in detail and sets out the specific purposes and requirements that apply to Structure Plan Areas.

#### **3.10.3 Subdivision and Development in Structure Plan Areas**

- (a) The development of land within a Structure Plan Area is to comply with Schedule No. 15.
- (b) The subdivision and development of land within a Structure Plan Area is to generally be in accordance with any structure plan that applies to that land.

#### **3.10.4 Structure Planning**

- (a) The Council is not to—
- (i) consider recommending subdivision; or
  - (ii) approve development

of land within a Structure Plan Area unless there is a structure plan for the Structure Plan Area or for the relevant part of the Structure Plan Area.

- (b) Notwithstanding clause 3.10.3 a), the Council may recommend subdivision or approve the development of land within a Structure Plan Area prior to a structure plan coming into effect in relation to that land, if the Council is satisfied that this will not prejudice the specific purposes and requirements of the Structure Plan Area.

### 3.10.5 Preparation of Proposed Structure Plans

- (a) A proposed structure plan may be prepared by—
- (i) the Council; or
  - (ii) a proponent.
- (b) A structure plan may be prepared for all, or part of, a Structure Plan Area.

### 3.10.6 Details of Proposed Structure Plan

- (a) A proposed structure plan is to contain the following details—
- (i) a map showing the area to which the proposed structure plan is to apply;
  - (ii) a site analysis map showing the characteristics of the site including—
    - landform, topography and land capability;
    - conservation and environmental values including bushland, wetlands, damp lands, streams and water courses, foreshore reserves and any environmental policy areas;
    - hydro-geological conditions, including approximate depth to water table; and
    - sites and features of Aboriginal and European heritage value;
  - (iii) a context analysis map of the immediate surrounds to the site including—
    - the pattern of neighbourhoods, and existing and planned neighbourhood, town and regional centres;
    - transport routes, including arterial routes and neighbourhood connector alignments, public transport routes and bus stops (if applicable) and strategic cycle routes; and
    - existing and future land use;
  - (iv) for local structure plans a map showing proposals for—
    - neighbourhoods around proposed neighbourhoods and town centres;
    - existing and proposed commercial centres;
    - natural features to be retained;
    - street block layouts;
    - the street network including street types;
    - transportation corridors, public transport network (if applicable), and cycle and pedestrian networks;
    - land uses including residential densities and estimates of population;
    - school(s) and community facilities;
    - public parklands; and
    - urban water management areas;
  - (v) a written report to explain the mapping and to address the following—
    - the planning framework for the structure plan including any applicable regional or district structure plans, and any policies, strategies and scheme provisions which apply to the land, and any environmental conditions which apply under the Scheme;
    - the site analysis including reference to the matters listed in clause 3.10.5 a) ii) above, and in particular, the significance of the conservation, environmental and heritage values of the site;
    - the context analysis including reference to the matters listed in clause 3.10.5 a) iii) above;
    - how planning for the structure plan area is to be integrated with the surrounding land;
    - the design rationale for the proposed pattern of subdivision, land use and development;
    - traffic management and safety;
    - parkland provision and management;
    - urban water management;
    - proposals for public utilities including sewerage, water supply, drainage, gas, electricity and communication services; and
    - the proposed method of implementation including any cost sharing arrangements and details of any staging of subdivision and development.
- (b) The maps referred to in clause 3.10.5 a) are to—
- (i) be drawn to a scale that clearly illustrates the details referred to in clause 3.10.5 a); and
  - (ii) include a north point, visual bar scale, key street names and a drawing title and number.

- (c) A proposed structure plan may, to the extent that it does not conflict with the Scheme, impose a classification on the land included in it by reference to reserves, zones or the Residential Design Codes, and where the proposed structure plan becomes a structure plan, the Council is to have due regard to such reserves, zones or Residential Design Codes when recommending subdivision or approving development of land within a Structure Plan Area.
- (d) A proposed structure plan must, in the opinion of the Council, be consistent with orderly and proper planning.

#### 3.10.7 Submission to Council and Commission

- (a) A proposed structure plan prepared by a proponent is to be submitted to the Council.
- (b) Within 15 working days of preparing or receiving a proposed structure plan which proposes the subdivision of land, the Council is to forward a copy of the proposed structure plan to the Commission.
- (c) The Commission is to provide comments to the Council as to whether it is prepared to endorse the proposed structure plan with or without modifications.
- (d) The Commission must provide its comments to the Council within 42 days of receiving the proposed structure plan.

#### 3.10.8 Advertising of a Structure Plan

- (a) Within 60 days (or such longer time as may be agreed in writing between the proponent who submitted the proposed structure plan and the Council) of receiving advice from the Commission under clause 3.10.6 c) that it is prepared to endorse the proposed structure plan with or without modification and the proposed structure plan conforms with clause 3.10.5 and complies with the Scheme, the Council is to—
  - (i) ensure any modifications required by the Commission under clause 3.10.6 c) have been made to the proposed structure plan;
  - (ii) advertise, or require the proponent who submitted the proposed structure plan to advertise, the proposed structure plan for public inspection by one or more of the following ways—
    - notice of the proposed structure plan published in a newspaper circulating in the Scheme area;
    - a sign or signs displaying notice of the proposed structure plan to be erected in a conspicuous place or places in the Structure Plan Area, or part of the Structure Plan Area, to which the proposed structure plan applies; and
  - (iii) give notice or require the proponent who submitted the proposed structure plan to give notice, in writing to—
    - all owners whose land is included in the proposed structure plan;
    - all owners and occupiers who, in the opinion of the Council, are likely to be affected by the adoption of the proposed structure plan; and
    - such public authorities and other persons as the Council nominates.
- (b) The advertisement and notice are to—
  - (i) explain the scope and purpose of the proposed structure plan;
  - (ii) specify when and where the proposed structure plan may be inspected; and
  - (iii) invite submissions to the Council by a specified date being not less than 42 days after the giving or erection of the notice or publication of the advertisement, as the case requires.
- (c) Where the Commission under clause 3.10.6 c) advises the Council that it is not prepared to endorse a proposed structure plan, the Council is not to proceed with advertising under clause 3.10.7 and will forward to the proponent who submitted the proposed structure plan the Commission's advice together with a notice informing that the proposed structure plan can not be proceeded with.

#### 3.10.9 Adoption of the Proposed Structure Plan

- (a) The Council is to consider all submissions received and within 60 days of the latest date specified in the notice or advertisement for the making of submissions is to—
  - (i) adopt the proposed structure plan, with or without modifications; or
  - (ii) refuse to adopt the proposed structure plan and, where the proposed structure plan was submitted by a proponent, give reasons for this to the proponent.
- (b) In making a determination under clause 3.10.8 a), the Council is to have due regard to the comments and advice received from the Commission in relation to the proposed structure plan under clause 3.10.6 c).

(c) If the Council, after consideration of submissions under clause 3.10.8 a), is of the opinion that a modification to the proposed structure plan is substantial, the Council may—

- (i) readvertise the proposed structure plan; or
- (ii) require the proponent who submitted the proposed structure plan to readvertise the proposed structure plan;

and thereafter, the procedures set out in clause 3.10.7 a) onwards are to apply.

(d) If within the 60 day period referred to in clause 3.10.8 a), or such further time as may be agreed in writing between the proponent who submitted the proposed structure plan and the Council, the Council has not made a determination under clause 3.10.8 a), the Council is deemed to have refused to adopt the proposed structure plan.

#### 3.10.10 Endorsement by the Commission

(a) If the proposed structure plan proposes the subdivision of land, then within 15 working days of making its determination under clause 3.10.8 a), the Council is to forward the proposed structure plan to the Commission for its endorsement.

(b) Within 60 days of receiving the proposed structure plan, the Commission is to determine whether to endorse the proposed structure plan and notify the Council of its determination.

#### 3.10.11 Notification of a Structure Plan

As soon as practicable after adopting a proposed structure plan under clause 3.10.8 a) and if clause 3.10.9 applies, as soon as practicable after being notified of the Commission's decision under clause 3.10.9 b), the Council is to forward a copy of the structure plan to—

- (i) any public authority or person that the Council thinks fit; and
- (ii) where the structure plan was submitted by a proponent, to the proponent.

#### 3.10.12 Operation of a Structure Plan

(a) A structure plan comes into effect—

- (i) where the structure plan proposes the subdivision of land, on the day on which it is endorsed by the Commission pursuant to clause 3.10.9 b); or
- (ii) on the day on which it is adopted by the Council under clause 3.10.8 a) in all other cases.

(b) If a provision of a structure plan is inconsistent with a provision of the Scheme, then the provision of the Scheme prevails to the extent of the inconsistency.

#### 3.10.13 Inspection of a Structure Plan

The structure plan and the Commission's notification under clause 3.10.9 b) is to be kept at the Council's administrative offices, and is to be made available for inspection by any member of the public during office hours.

#### 3.10.14 Variation to a Structure Plan

(a) The Council may vary a structure plan—

- (i) by resolution if, in the opinion of the Council, the variation does not materially alter the intent of the structure plan;
- (ii) otherwise, in accordance with the procedures set out in clause 3.10.5 onwards.

(b) If the Council varies a structure plan by resolution and the variation does not propose the subdivision of land, the Council is to forward a copy of the variation to the Commission within 15 working days of making the resolution.

(c) If the Council varies a structure plan by resolution and the variation proposes the subdivision of land, the Council is to forward a copy of the variation to the Commission within 15 working days of making the resolution for its endorsement.

(d) Within 60 days of receiving the copy of the variation referred to in clause 3.10.13 c), the Commission is to determine whether to endorse the proposed variation and notify the Council of its determination.

(e) A variation to a structure plan by resolution comes into effect—

- (i) where the variation proposes the subdivision of land, on the day on which it is endorsed by the Commission, pursuant to clause 3.10.13 d); or
- (ii) on the day on which the Council resolves to make the variation under clause 3.10.13 a).

#### 3.10.15 Detailed Area Plan

(a) Where it is considered desirable to enhance, elaborate or expand the details or provisions contained in a structure plan for a particular lot or lots, a detailed area plan may be prepared by—

- (i) the Council; or
- (ii) a proponent.



- (b) A detailed area plan may include details as to—
- (i) building envelopes;
  - (ii) distribution of land uses within a lot;
  - (iii) private open space;
  - (iv) services;
  - (v) vehicular access, parking, loading and unloading areas, storage yards and rubbish collection closures;
  - (vi) the location, orientation and design of buildings and the space between buildings;
  - (vii) advertising signs, lighting and fencing;
  - (viii) landscaping, finished site levels and drainage;
  - (ix) protection of sites of heritage, conservation or environmental significance;
  - (x) special development controls and guidelines; and
  - (xi) such other information considered relevant by the Council.
- (c) When a proposed detailed area plan is prepared under clause 3.10.14 a), the Council is to advertise, or require the proponent who submitted the proposed detailed area plan to advertise, the proposed detailed area plan for public inspection in accordance with the procedure in clauses 3.10.7 a) ii) and iii) and 3.10.7 b).
- (d) The Council is to consider all submissions received and—
- (i) approve a detailed area plan with or without conditions; or
  - (ii) refuse to approve the detailed area plan and, where the proposed detailed area plan was submitted by a proponent, give reasons for this to the proponent.
- (e) If within 60 days of receiving a detailed area plan prepared under clause 3.10.14 a) ii), or such longer period as may be agreed in writing between the proponent and the Council, the Council has not made one of the determinations referred to in clause 3.10.14 d), the Council is deemed to have refused to approve the detailed area plan.
- (f) Once approved by the Council, the detailed area plan constitutes a variation of the structure plan.
- (g) The Council may vary a detailed area plan in accordance with the procedures set out in clause 3.10.14 onwards provided such variations do not prejudice the intention of any related structure plan.

#### 3.10.16 Application for Review

- (a) A proponent who has submitted a proposed structure plan under clause 3.10.6 a) may apply for a review under Part 14 of the Act—
- (i) any failure of the Council to advertise, or require the proponent to advertise, a proposed structure plan within the required time period under clause 3.10.7 a);
  - (ii) any determination of the Council—
    - to refuse to adopt a proposed structure plan (including deemed refusal); or
    - to require modifications to a proposed structure plan that are unacceptable to that proponent.
  - (iii) any determination from the Commission—
    - that it is not prepared to endorse a proposed structure plan; or
    - to require modifications to a proposed structure plan that are unacceptable to that proponent.
- (b) A proponent who has submitted a detailed area plan in accordance with clause 3.10.14 may apply for a review in accordance with Part 14 of the Act, of any discretionary decision made by the Council under clause 3.10.14.

#### f. Modifying Schedule 1—Interpretations as follows—

- (i) Inserting the definitions Proponent and Proposed Structure Plan after the definition Private Recreation to read as follows—

**Proponent**—means any owner or owners of land to which the Proposed Structure Plan relates that has or have submitted that Proposed Structure Plan.

**Proposed Structure Plan**—means a Structure Plan, which may apply to either a local area or a district that has been prepared in accordance with clause 3.10.

- (ii) Inserting the definitions Structure Plan and Structure Plan Areas after the definition Showroom to read as follows—

**Structure Plan**—means a Proposed Structure Plan that has been both approved by the Commission and adopted by the Council or any other Structure Plan endorsed by the Council and Commission in accordance with clause 3.10.

**Structure Plan Areas**—are shown on the Scheme Map as SPA with a number that corresponds with the number against each area in Schedule 15.

g. Inserting Schedule 15—Rural Village Zone—Provisions Relating to Specific Areas as follows—

**Schedule 15—Rural Village Zone—Provisions Relating to Specific Areas**

Structure Plan Area	Description of Land Area	Land Use	Matters to be addressed in Structure Plans	General Provisions
1	Lots 1 and 1664 Boxhill Road and Lots 5 & 11 Mount Barker-Porongurup Road, Porongurup	<p>Orderly and proper development of the Porongurup Rural Village zone in accordance with the principles identified in the Shire of Plantagenet Porongurup Rural Strategy, and the Porongurup Rural Village Structure Plan; and.</p> <p>1. The following Uses are permitted—</p> <p>(i) Within the Karribank Enclave as shown on the Porongurup Rural Village Structure Plan map,</p> <p>-Grouped Dwellings</p> <p>-Restaurant (excluding night clubs)</p> <p>-Tourist Accommodation</p> <p>(ii) within the Mayfield Enclave as shown on the Porongurup Rural Village Structure Plan map,</p> <p>-Group Dwellings</p> <p>(iii) within all other areas of the Porongurup Rural Village Structure Plan Map,</p> <p>-Single House</p> <p>-Industry Cottage</p> <p>2. The following uses are Discretionary (AA)—</p> <p>-Home Occupation</p> <p>-Civic Building</p> <p>3. The following uses may be permitted at the discretion of the Council after Notice of Application has been given in accordance with Clause 6.2 (SA)—</p> <p>-Bed and Breakfast</p> <p>-Home Business</p> <p>4. Where the use of any land for a particular purpose is not specifically mentioned above, Council may—</p> <p>(i) determine that the use is not consistent with the purpose or objectives of the Rural Village zone and is therefore not permitted; or</p> <p>(ii) determine by absolute majority that the proposed use is consistent with the purpose and objectives of the Rural Village zone thereafter follow the 'SA' procedure of clause 6.2 in considering an Application for planning consent.</p>	<p>1. No development will be permitted unless it is in accordance with a Structure Plan approved in the manner prescribed in clause 3.10 of this Scheme.</p> <p>2. When considering the proposed Structure Plan, Council will consider the following matters—</p> <p>a. Onsite effluent;</p> <p>b. Water demand and supply;</p> <p>c. Drainage;</p> <p>d. Heritage;</p> <p>e. Visual Impact;</p> <p>f. Protection of existing vegetation;</p> <p>g. Bush fire management;</p> <p>h. Traffic management;</p> <p>i. Road Design, pedestrian networks and streetscapes; and</p> <p>j. Community infrastructure.</p> <p>3. Council expects the proposed Structure Plan to encompass the following supporting documentation—</p> <ul style="list-style-type: none"> <li>• Land Capability;</li> <li>• Environmental Management Plan;</li> <li>• Foreshore Management Plan;</li> <li>• Infrastructure and Servicing Report, including Storm Water Management Plan;</li> <li>• Landscape and Visual Impact Study;</li> <li>• Design Guidelines; and</li> <li>• Fire Management Plan.</li> </ul>	<p>1. All lots are to be connected to a reticulated water supply.</p> <p>2. Notwithstanding 1, all new housing will need to provide adequate drinking water by means of rooftop harvesting and storage undertaken to the specification and satisfaction of the Council.</p> <p>3. Any development proposal shall embody the basic premise that development and associated services are secondary to the natural features of the site and development plans will indicate the extent of earthmoving and clearing.</p> <p>4. Greywater systems to be installed in accordance with Department of Health WA requirements to the satisfaction of the Council.</p> <p>5. The keeping of livestock is not permitted. The keeping of cats is not permitted unless kept in a run approved by the Council. The keeping of other domestic pets shall not result in the removal or damage of vegetation and trees. Where in the opinion of Council the keeping of animals is contributing to environmental degradation notice may be served on the owner of the land, requiring immediate removal of those animals specified in the notice.</p> <p>6. No new house or building will be permitted to install wood fire heaters.</p> <p>7. All residential buildings shall be developed in accordance with Design Guidelines adopted by Council.</p> <p>8. On-site effluent disposal shall be the responsibility of the individual landowner. The disposal of liquid and/or solid wastes shall be carried out with an aerobic treatment unit (ATU) or other effluent disposal system approved by the Council and the Health Department of WA. Systems shall be designed and located to minimise nutrient export and/or release into any waterway or groundwater.</p> <p>9. No exotic grasses or shrubs or tree areas shall be introduced into the development. All planting to be in accordance with planting guidelines incorporated in the adopted Landscape Plan. The use of deciduous trees on the northern side of houses to allow winter solar access is permitted.</p>

- (2) Rezoning Lots 1 and 1664 Boxhill Road and Lots 5 and 11 Mount Barker-Porongurup Road, Porongurup from Rural to Rural Village zone (Structure Plan Area No.1 -SPA1); and
- (3) Amending the Scheme Maps accordingly.

K. A. CLEMENTS, Shire President.  
R. STEWART, Chief Executive Officer.

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## PREMIER AND CABINET

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PR401\*

**INTERPRETATION ACT 1984**  
**MINISTERIAL ACTING ARRANGEMENTS**

It is hereby notified for public information that the Governor in accordance with Section 52(1)(b) of the *Interpretation Act 1984* has approved the following temporary appointment—

Hon S. M. O'Brien MLC to act temporarily in the office of Minister for Mines and Petroleum; Fisheries; Electoral Affairs in the absence of the Hon. N. F. Moore MLC for the period 11 to 16 October 2011 (both dates inclusive).

PETER CONRAN, Director General,  
Department of the Premier and Cabinet.

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PR402\*

**INTERPRETATION ACT 1984**  
**MINISTERIAL ACTING ARRANGEMENTS**

It is hereby notified for public information that the Governor in accordance with Section 52(1)(b) of the *Interpretation Act 1984* has approved the following temporary appointment—

Hon J. H. D. Day MLA to act temporarily in the office of Minister for Police; Emergency Services; Road Safety in the absence of the Hon. R. F. Johnson MLA for the period 13 to 20 November 2011 (both dates inclusive).

PETER CONRAN, Director General,  
Department of the Premier and Cabinet.

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PR403\*

**INTERPRETATION ACT 1984**  
**MINISTERIAL ACTING ARRANGEMENTS**

It is hereby notified for public information that the temporary appointment by the Governor, in accordance with Section 52(1)(b) of the *Interpretation Act 1984*, of the Hon. P. C. Collier MLC as Minister for Transport; Housing during the period 3 to 7 October 2011 (both dates inclusive), has been cancelled.

PETER CONRAN, Director General,  
Department of the Premier and Cabinet.

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## DECEASED ESTATES

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ZX401\*

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

Notice to Creditors and Claimants

Peter Leonard Tye, late of 149B Ocean Drive, Bunbury in the State of Western Australia, deceased. Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates) in respect of the estate of the deceased who died on 12 December 2010 are required by the legal personal

representative of c/- S. C. Nigam & Co of GPO Box 2516, Perth WA 6001 to send particulars of their claims to him within one (1) month from the date of publication of this notice after which date the legal personal representative may convey or distribute the assets having regard only to the claims of which he then has notice.

Dated this 3rd day of October 2011.

S. C. NIGAM & Co.

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**ZX402\***

**TRUSTEES ACT 1962**

DECEASED ESTATES

Notice to Creditors and Claimants

Estate of May Ling Fletcher of Balmoral Aged Care Home, 29 Gardner Street, Como WA, died 11 August 2011.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates) in respect of the Estate of the late May Ling Fletcher (also known as May Ling Fletcher Liu, and as May Ling Liu Fletcher), are required by the Trustee, Basil J.B. Fletcher of Unit 46, 281 Mill Point Road, South Perth WA 6151, to send particulars of such claims to him within 30 days of the publication of this notice. After such a date, the Trustee may convey or distribute the assets of the abovementioned Estate, having regard only to the claims of which the Trustee then has notice. Probate was granted in Western Australia on 22 September 2011.

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**ZX403**

**TRUSTEES ACT 1962**

DECEASED ESTATES

Notice to Creditors and Claimants

In the estate of David Mark Hackett, who died on 7 July 2011, of 8 Curran Place, Leeming in Western Australia.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates) in respect of the estate of the said deceased person are required by the Executor of the deceased's estate being David Charles Hackett, care of Angus Tibbits Solicitors, Suite 9, 73 Calley Drive, Leeming Western Australia, to send particulars of their claims to him by 7 November 2011, after which date the Executor may convey or distribute the assets having regard only to the claims of which he then has notice.

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**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 7 November 2011 after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Browning, Joyce late of 10 Yallabee Place, Karawara 6152 died 25 August 2011 (DE 20011519 EM13)

Doe, Marjorie Elsie late of Tandara Nursing Home, 73 Jarrah Road, Bentley 6102 died 3 July 2011 (DE 33010278 EM36)

Finnegan, John late of 4 Ind Street, Lesmurdie 6076 died 6 September 2011 (DE 19880243 EM32)

Flood, Mary Frances late of Craigmont Waters Nursing Home, Third Avenue, Maylands 6051 died 18 August 2011 (DE 19831741 EM15)

MacDonald, John Francis late of Unit 40 15-17 Ashford Avenue, Rockingham 6168 died 25 August 2011 (DE 33059299 EM38)

Mulvey, Michael Cronan late of 4 Galaxy Way, Carlisle 6101 died 16 July 2011 (DE 19860231 EM16)

Perry, Jamie Charles late of 8 Throssell Street, Greenbushes 6254 died 23 August 2011 (DE 33088667 EM24)

Powell, Rosalie Claire late of 8 Wythburn Avenue, Balga 6061 1 August 2011 (DE 19831611 EM26)

- Reany, Julia Jayne late of 31/175 Hay Street, East Perth 6892 died 12 August 2011 (DE 20012422 EM214)
- Singleton, Eric late of City of Bayswater Hostel, Room 28/21 Embleton Avenue, Embleton 6062 died 12 September 2011 (DE 19970238 EM15)
- Stovell, Una late of C./- Midland Nursing Home, 44 John Street, Midland 6056 died 25 August 2011 (DE 19770657 EM22)
- Whitaker, Gwenyth Lorraine late of Windsor Park Aged Care, 110 Star Street, Carlisle 6101 died 29 August 2011 (DE 19780743 EM23)
- Woods, Kenneth John late of Shelby Lodge, Lemnos Road, Shenton Park 6008 died 3 May 2010 (DE 33049534 EM16)

BRIAN ROCHE, Public Trustee,  
Public Trust Office,  
565 Hay Street,  
Perth WA 6000.  
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