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Gazette**

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— PART 1 —

PROCLAMATIONS

AA101*

SUPREME COURT ACT 1935**JURIES ACT 1957****PROCLAMATION**

Western Australia
 By His Excellency
 Malcolm James McCusker,
 Companion of the Order of Australia,
 Commander of the Royal Victorian Order,
 Queen's Counsel,
 Governor of the State of Western Australia

[L.S.]

M. J. McCUSKER
 Governor

I, the Governor, acting under the *Supreme Court Act 1935* section 46 and the *Juries Act 1957* Part III and with the advice and consent of the Executive Council—

- (a) cancel all previous proclamations made under the *Supreme Court Act 1935* section 46; and
- (b) constitute the jury district for the Supreme Court and determine and declare that it consists of the area described in Schedule 1 to this proclamation; and
- (c) declare that each place in column 1 of Schedule 2 to this proclamation is a circuit town; and
- (d) constitute the jury district for each Circuit Court at a circuit town and determine and declare that it consists of the area described in column 2 of Schedule 2 to this proclamation opposite the circuit town in column 1 of that Schedule.

Given under my hand and the Public Seal of the State on 22 January 2013.

By Command of the Governor,

M. MISCHIN, Attorney General.

Schedule 1—Jury district for the Supreme Court

The whole of the Assembly districts that comprise the following electoral regions created under the *Electoral Distribution Act 1947*—

North Metropolitan Region
 East Metropolitan Region
 South Metropolitan Region

excluding the Assembly districts of Kwinana, Rockingham and Warnbro in the South Metropolitan Region and excluding adjacent islands.

Schedule 2—Circuit towns and jury districts for Circuit Courts at those towns

	Column 1 Circuit towns	Column 2 Jury districts for Circuit Courts at circuit towns
1.	Albany	Those parts of the Assembly districts of Albany, Warren-Blackwood and Wagin within a radius of 50 kilometres from the Albany courthouse excluding adjacent islands.
2.	Broome	That part of the Assembly district of Kimberley within a radius of 80 kilometres from the Broome courthouse.
3.	Bunbury	The whole of the Assembly district of Bunbury and those parts of the Assembly districts of Collie-Preston and Murray-Wellington within a radius of 50 kilometres from the Bunbury courthouse.

	Column 1	Column 2
	Circuit towns	Jury districts for Circuit Courts at circuit towns
4.	Busselton	That part of the Assembly district of Vasse within the City of Busselton excluding adjacent islands.
5.	Carnarvon	That part of the Assembly district of North West Central within a radius of 80 kilometres from the Carnarvon courthouse.
6.	Derby	That part of the Assembly district of Kimberley within a radius of 80 kilometres from the Derby courthouse.
7.	Esperance	That part of the Assembly district of Eyre within a radius of 50 kilometres from the Esperance courthouse excluding adjacent islands.
8.	Fremantle	The whole of the Assembly districts of Alfred Cove, Cockburn, Fremantle and Willagee excluding adjacent islands.
9.	Geraldton	The whole of the Assembly district of Geraldton and that part of the Assembly district of Moore within a radius of 80 kilometres from the Geraldton courthouse excluding adjacent islands.
10.	Kalgoorlie	Those parts of the Assembly districts of Kalgoorlie and Eyre within a radius of 80 kilometres from the Kalgoorlie courthouse.
11.	Karratha	That part of the Assembly district of Pilbara within a radius of 80 kilometres from the Karratha courthouse excluding adjacent islands.
12.	Kununurra	That part of the Assembly district of Kimberley within a radius of 80 kilometres from the Kununurra courthouse excluding adjacent islands.
13.	Rockingham	The whole of the Assembly districts of Kwinana, Rockingham and Warnbro excluding adjacent islands.
14.	South Hedland	That part of the Assembly district of Pilbara within a radius of 80 kilometres from the South Hedland courthouse excluding adjacent islands.

COMMERCE

CM301*

Home Building Contracts Act 1991

Home Building Contracts Amendment Regulations 2013

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Home Building Contracts Amendment Regulations 2013*.

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 *Home Building Contracts Regulations 1992*.

4. Schedule 1 amended

In the final clause under the heading “**Special rules for cost plus contracts**” delete “order is made” and insert:

order made

By Command of the Governor,

G. MOORE, Clerk of the Executive Council.

JUSTICE

JU301*

Coroners Act 1996

Coroners Amendment Regulations (No. 2) 2012

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Coroners Amendment Regulations (No. 2) 2012*.

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 *Coroners Regulations 1997*.

4. Schedule 1 amended

In Schedule 1 Form 11 delete the passage that begins with “I DIRECT” and ends with “Coroner.”.

By Command of the Governor,

G. MOORE, Clerk of the Executive Council.

LOCAL GOVERNMENT

LG301*

Local Government Act 1995

**Local Government (Pingelly and
Cuballing - Change of Boundaries) Order 2013**

Made by the Governor in Executive Council on the recommendation of the Minister for Local Government.

1. Citation

This order is the *Local Government (Pingelly and Cuballing - Change of Boundaries) Order 2013*.

2. Commencement

This order comes into operation as follows —

- (a) clauses 1 and 2 — on the day on which these order are published in the *Gazette*;
- (b) the rest of the order — on 1 July 2013.

**3. Change of district boundaries — district of Pingelly
(s. 2.1(1)(b) of the Act)**

The boundaries of the district of Pingelly are changed by including in the district the land described in Schedule 1.

**4. Change of district boundaries — district of Cuballing
(s. 2.1(1)(b) of the Act)**

The boundaries of the district of Cuballing are changed by excluding from the district the land described in Schedule 1.

Schedule 1 — Land to be included in the district of Pingelly and excluded from the district of Cuballing

[cl. 3 and 4]

All that portion of land bounded by lines starting from the easternmost southeastern corner of Lot 5314 as shown on Deposited Plan 117058, a point on a present southern boundary of the district of Pingelly and extending southeasterly to and along the northeastern boundary of Lot 4943 as shown on Deposited Plan 115426 to its easternmost northeastern corner; thence southeasterly to the northernmost northwestern corner of Lot 75 as shown on Deposited Plan 108577, a point on a present western boundary of the district of Pingelly and thence northerly, northwesterly and southwesterly along boundaries of that district to the starting point.

By Command of the Governor,

G. MOORE, Clerk of the Executive Council.

LG302*

Local Government Act 1995

Local Government (Pingelly and Wandering - Change of Boundaries) Order 2013

Made by the Governor in Executive Council on the recommendation of the Minister for Local Government.

1. Citation

This order is the *Local Government (Pingelly and Wandering - Change of Boundaries) Order 2013*.

2. Commencement

This order comes into operation as follows —

- (a) clauses 1 and 2 — on the day on which this order is published in the *Gazette*;
- (b) the rest of the order — on 1 July 2013.

3. Change of district boundaries — district of Wandering (s. 2.1(1)(b) of the Act)

The boundaries of the district of Wandering are changed by including in the district the land described in Schedule 1.

**4. Change of district boundaries — district of Pingelly
(s. 2.1(1)(b) of the Act)**

The boundaries of the district of Pingelly are changed by excluding from the district the land described in Schedule 1.

**Schedule 1 — Land to be included in the district of
Wandering and excluded from the district of Pingelly**

[cl. 3 and 4]

All that portion of land bounded by lines starting from the intersection of the easternmost northeastern corner of Lot 101 as shown on Certificate of Title Volume 1474 Folio 071 with the prolongation northwesterly of the northeastern boundary of the southwestern severance of Lot 34 (Reserve 28656) as shown on Deposited Plan 215105, a point on a present southwestern boundary of the district of Pingelly and extending southeasterly to and along that boundary and onwards to the northernmost northwestern corner of the southeastern severance of that lot, thence southwesterly and generally southeasterly along western boundaries of that severance to a southwestern corner, a point on a present southwestern boundary of the district of Pingelly and thence generally northwesterly along southwestern boundaries of that district to the starting point.

By Command of the Governor,

G. MOORE, Clerk of the Executive Council.

POLICE

PO301*

Criminal and Found Property Disposal Act 2006

**Criminal and Found Property Disposal
Amendment Regulations 2013**

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Criminal and Found Property Disposal Amendment Regulations 2013*.

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 and Found Property Disposal Regulations 2007*.

4. Regulation 6 inserted

After regulation 5 insert:

6. Prescribed agencies (Act s. 3)

For the purposes of the definition of *prescribed agency* paragraph (c) in section 3 of the Act, the Rottnest Island Authority established by the *Rottnest Island Authority Act 1987* section 5(1) is prescribed.

By Command of the Governor,

G. MOORE, Clerk of the Executive Council.

— PART 2 —

EDUCATION

ED401*

SCHOOL EDUCATION ACT 1999**HIGHER SCHOOL LEAVING AGE OPTIONS ORDER 2013**

Made by the Minister for Education under Section 11B (2) and (3) of the *School Education Act 1999*.

1. Citation

This is the *Higher School Leaving Age Options Order 2013*.

2. Prescribed course and provider

(1) A course specified in column 1 of the table to this order being a course that does not otherwise come within section 11B (1) of the *School Education Act 1999* is prescribed as a course for the purposes of that subsection.

(2) The person or body specified in column 2 of the table to this order opposite and corresponding to a course referred to in column 1 of the table is specified as the provider for that course.

3. Cancellation

The *Higher School Leaving Age Options Order (1) 2012* published in the *Government Gazette* 11 January 2013 page 57 is cancelled.

TABLE

<i>Column 1</i> Course	<i>Column 2</i> Provider	Location
Youth Connections	Bridging the Gap Inc.	Rockingham and Mandurah

Dated this 4th day of February 2013.

PETER COLLIER MLC, Minister for Education;
Energy; Indigenous Affairs.

FIRE AND EMERGENCY SERVICES

FE401*

BUSH FIRES ACT 1954**TOTAL FIRE BAN DECLARATION**

Correspondence No. 12080

Pursuant to powers delegated under the *Bush Fires Act 1954*, the Assistant Commissioner of the Department of Fire and Emergency Services, declared under Section 22A of the *Bush Fires Act 1954*, a total fire ban for 4 February 2013 from 0001 hours to 2359 hours, for the local government districts of—

Ravensthorpe

CHRIS ARNOL, Assistant Commissioner of the
Department of Fire and Emergency Services,
as a sub-delegate of the Minister under
section 16 of the *Fire and Emergency
Services Act 1998*.

HERITAGE

HR401*

HERITAGE OF WESTERN AUSTRALIA ACT 1990
ENTRY OF PLACES IN THE REGISTER OF HERITAGE PLACES

Proposed Permanent Registrations (Private)

Notice is hereby given in accordance with Section 49(1) of the *Heritage of Western Australia Act 1990* that, pursuant to a direction from the Minister for Heritage, it is proposed that the place described below be entered in the Register of Heritage Places on a permanent basis. The Heritage Council invites submissions on the proposal, which must be in writing and should be forwarded to the address below not later than 26 March 2013. The place will be entered in the Register on an interim basis with effect from today in accordance with section 50(1) of the *Heritage of Western Australia Act 1990*.

No. 2 Substation, Murray Street at 325 Murray Street, Perth; Lot 351 on DP 301726 being the whole of the land contained in C/T V 2033 F 3.

GRAEME GAMMIE, Executive Director,
State Heritage Office, Bairds Building,
491 Wellington Street,
Perth WA 6000.

Date: 12 February 2013.

JUSTICE

JU401

VEXATIOUS PROCEEDINGS RESTRICTION ACT 2002

In the Supreme Court of Western Australia

CACV 45 of 2012

Between: Allen Bertie Watters, Appellant and Elizabeth Payne, Respondent.

Order setting aside order of Master Sanderson before The Court of Appeal on 7 August 2012.

Jurisdiction : Supreme Court of Western Australia
Title of Court : the Court of Appeal (WA)
Citation : Watters -v- Payne [2012] WASCA 166
Coram : Pullin JA
 Newnes JA
Heard : 7 August 2012
Delivered : 7 August 2012
Published : 24 August 2012
File No/s : CACV 45 of 2012
Between : Allen Bertie Watters
 Appellant
 and
 Elizabeth Payne
 Respondent

On appeal from :

Jurisdiction : Supreme Court of Western Australia
Coram : Master Sanderson
File No : CIV 2635 of 2010

Catchwords—

Practice and procedure—Application under *Vexatious Proceedings Restriction Act 2002* (WA)—Application for leave to obtain orders—Turns on own facts

Legislation—

Vexatious Proceedings Restriction Act 2002 (WA)

Result—

Appeal allowed

Category: B

Representation:*Counsel:*

Appellant : In person
Respondent : No appearance

Solicitors:

Appellant : In person
Respondent : No appearance

Case(s) referred to in judgment(s):

Shaw v Jim McGinty in his capacity as Attorney General [2006] WASCA 231

REASONS OF THE COURT

¹ **Reasons of the Court:** The appellant filed an appeal notice on 29 May 2012 in relation to an order made by Master Sanderson on 3 November 2010. The orders made by Master Sanderson were:

1. The Applicant have leave to bring an application pursuant to Sec 4(2)(c)(i) of the *Vexatious Proceedings Restrictions Act 2002* (‘the Act’) against the Respondent, and
2. The Respondent be declared a vexatious litigant pursuant to Sec 4(1) of the said Act.
3. The Respondent pay the Applicant’s costs to be taxed.

² The appeal is well out of time, but this is explained by the fact that he only learned on 1 March 2012 that the orders had been made by Master Sanderson.

³ On 7 August 2012, orders were made by this court that:

- (a) the appellant be granted an extension of time in which to appeal to 29 May 2012 when the notice of appeal was filed;
- (b) all requirements of the rules which would otherwise have had to be complied with before the appeal be heard, be dispensed with;
- (c) the appeal be allowed;
- (d) the orders made by Master Sanderson on 3 November 2010 be set aside;
- (e) the respondent pay the appellant’s disbursements to be taxed.

⁴ The court announced that reasons would be published later. These are the reasons.

⁵ The orders made by Master Sanderson were made in accordance with the orders asked for in a notice of originating motion which had been filed in the proceedings dealt with by the master. The transcript of the proceedings before the master reveals that Mr B Stokes appeared for the applicant - the respondent in these proceedings. Mr Stokes informed the master that the respondent - the appellant in these proceedings - had not been served. Mr Stokes said:

He hasn’t been served, sir. This is an ex parte application. We are seeking leave and an interim order and then he will be served should we be successful.

⁶ Section 4(1) of the *Vexatious Proceedings Restriction Act 2002* (WA) reads—

If a court is satisfied that:

- (a) a person has instituted or conducted vexatious proceedings (whether before or after the commencement of this Act); or
 - (b) it is likely that the person will institute or conduct vexatious proceedings,
- the court may make either or both of the following orders—
- (c) an order staying any proceedings, either as to the whole or part of the proceedings, that have been instituted by that person;
 - (d) an order prohibiting that person from instituting proceedings, or proceedings of a particular class, without the leave of a court or tribunal, as the case requires under s 6(1).

⁷ Section 4(2) states that an order under s 4(1) may be made by the court on its own motion or on the application of the Attorney General, the Principal Registrar of the Supreme Court, the Principal Registrar of the District Court or, with the leave of the court, under s 4(2)(c)(i) by a person against whom another person has instituted or conducted vexatious proceedings or under s 4(2)(c)(ii) by a person who has sufficient interest in the matter.

⁸ ‘Vexatious proceedings’ is defined in s 3 to mean proceedings:

- (a) which are an abuse of the process of a court or a tribunal;
- (b) instituted to harass or annoy, to cause delay or detriment, or for any other wrongful purpose;
- (c) instituted or pursued without reasonable ground; or
- (d) conducted in a manner so as to harass or annoy, cause delay or detriment, or achieve any other wrongful purpose.

⁹ The orders the respondent sought mixed up the steps which had to be taken. If the respondent wished to make an application for an order under s 4(1), then she needed an order of the court granting leave to do so under s 4(2)(c)(i). Leave was not required to bring the application for leave under s 4(2)(c)(i) of the Act and yet that is the order sought by the respondent and made in par 1 of

the orders. If leave had been granted to the respondent to apply for orders under s 4(1) then the court was prohibited from making orders under s 4(1) without complying with s 4(3). Section 4(3) reads:

The court must not make an order under subsection (1):

(a) staying any proceedings that have been instituted by a person, either as to the whole or part of the proceedings; or

(b) prohibiting a person from instituting proceedings, or proceedings of a particular class, without hearing that person or giving that person an opportunity of being heard.

¹⁰ Although it is common to refer to a person being declared a vexatious litigant, that is shorthand for a person being made subject to orders made under s 4(1) of the Act staying the proceedings either in whole or in part, or prohibiting a person from instituting proceedings without leave. There is no utility in merely making an order (as was made in par 2 of the orders) declaring a person a vexatious litigant without an order or orders of the kind referred to in s 4(1) and there is no provision in the Act authorising the court to make such a declaration.

¹¹ If an order had been made under s 4(1)(d) prohibiting the appellant from instituting any proceedings without leave, then an appeal against such an order would itself be a proceeding which required the grant of leave before the appeal could be instituted: see *Shaw v Jim McGinty in his capacity as Attorney General* [2006] WASCA 231. However, in this case no order was made as specified in s 4(1)(c) or (d), so leave to bring this appeal is not necessary.

¹² The appellant was not served with the originating motion. The appellant's single ground of appeal alleges that the master erred in making the order in circumstances where the appellant was not given the opportunity to be heard. The appellant was entitled to be heard in relation to whether the declaration sought in par 2 should be made. The respondent did not seek to be heard on the appeal. The ground must be upheld. It is only necessary to add that it has not been necessary in this appeal to consider whether the application under s 4(2)(c) for leave to apply for orders under s 4(1) has to be served on the person or persons specified in s 4(2)(c)(i) or (ii). The appeal should be allowed and the orders made by Master Sanderson should be set aside.

MARINE/MARITIME

MA401*

WESTERN AUSTRALIAN MARINE ACT 1982
NAVIGABLE WATERS REGULATIONS 1958
 PROHIBITED SWIMMING AREA
 Matilda Bay, Swan River

Department of Transport,
 Fremantle WA, 12 February 2013.

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 the hours of 9.00pm and 9:50pm on Friday 15th February 2013—

Matilda Bay

All the waters within a 50 metre radius of the firing point, located at the end of the Pelican Point Sea Scout Jetty, at approximately 31° 59.139'S, 115° 49.643'E.

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

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

MINERALS AND PETROLEUM

MP401*

DANGEROUS GOODS SAFETY ACT 2004

DANGEROUS GOODS SAFETY APPOINTMENT NOTICE (No. 1) 2013

Made by the Chief Dangerous Goods Officer under s 27(1) of the *Dangerous Goods Safety Act 2004*.

1. Citation

This notice may be cited as the *Dangerous Goods Safety Appointment Notice (No. 1) 2013*.

2. Dangerous goods officers appointed

(i) I appoint each person listed below to be a dangerous goods officer—

Jonathan Palfreyman

Tiffany Croxon

Scott Coleman

PHILIP HINE, Chief Dangerous Goods Officer,
(Executive Director of the Resources Safety
Division of the Department of Mines and
Petroleum, Western Australia).

PLANNING

PL401*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT

City of Armadale

Town Planning Scheme No. 4—Amendment No. 61

Ref: TPS/0702

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 Armadale local planning scheme amendment on 24 January 2013 for the purpose of—

- Rezoning Reserve 24458 (Lots 1352 and 3268) Robin Road, Roleystone from “Public Purpose—Primary School” to “Residential—Restricted Use No. 9”.
- Including a new entry within Schedule 3—Restricted Uses in appropriate numerical order as follows—

No.	Description of Land	Restricted Use	Conditions
9.	Reserve 24458 (Lots 1352 and 3268) Robin Road, Roleystone	<p>The location and accessibility characteristics make this site suitable for a development catering for aged and/or dependent persons up to a maximum density as permitted under the Government Sewerage Policy.</p> <p>The following uses listed in the base Residential zone shall be uses that are Not Permitted (“X”) in the Restricted Use Area—</p> <ul style="list-style-type: none"> • Single Dwelling (other than for Aged or Dependent Persons Dwellings) • Single Bedroom Dwelling (other than for Aged or Dependent Persons Dwellings) • Grouped Dwelling (other than for Aged or Dependent Persons Dwellings) • Multiple dwellings (other than for Aged or Dependant Persons Dwellings) <p>The following uses that are Not Permitted (X) in the Residential zone shall be uses that are discretionary (“D”) in the Restricted Use Area—</p> <ul style="list-style-type: none"> • Park Home Park 	<p>9.1 All other permitted use classes listed in the base Residential zone shall be Discretionary (“D”) in the Restricted Use area.</p> <p>9.2 ‘Park Home Park’ shall only be considered as a discretionary land use where an application proposes to maximise the development potential of the site in accordance with Condition 9.4.</p> <p>9.3 Reserve 24458 (Lots 1352 and 3268) Robin Road, Roleystone being amalgamated prior to any approvals for development, subdivision or strata being issued.</p> <p>9.4 The base density of R5 may be increased to R12.5, and the one-third reduction of the required R12.5 site area per dwelling applicable from the Residential Design Codes of Western Australia in respect of development catering for aged and/or dependant persons, may be applied in addition to the R12.5 density subject to—</p> <p>(a) The development catering for aged persons, as per the definition within the Residential Design Codes of Western Australia.</p>

No.	Description of Land	Restricted Use	Conditions
			<p>(b) The provision of independent soil testing and a detailed geotechnical investigation that supports the design, construction and location of the proposed development and wastewater treatment facilities.</p> <p>(c) Approval from the Department of Health Western Australia (and if required the Economic Regulation Authority) and/or the City in respect of wastewater treatment facilities.</p> <p>(d) Submission and approval of a Detailed Area Plan (DAP) prior to any approvals for development, subdivision and/or strata being issued.</p> <p>9.5 The DAP referred to in the previous Condition shall address the following issues—</p> <p>(a) A common set of design principles in keeping with the area, including roof pitch, built form, building materials, fencing, landscaping, setbacks and privacy.</p> <p>(b) Vehicular access to be derived from Robin Road.</p> <p>(c) Measures being taken to ensure the identification and protection of any vegetation on the site worthy of retention.</p> <p>9.6 The City may impose Conditions on any development, subdivision and/or strata approval to require—</p> <p>(a) The preparation and implementation of a Fire Management Plan for the site, including a specific requirement that all development shall be constructed to 'AS3959—Construction of Buildings in Bushfire Prone Areas' standards or superseded standard.</p> <p>(b) The Public Open Space contribution is to be located such that the highest possible retention of existing significant vegetation is achieved.</p> <p>(c) A Public Open Space Implementation and Access Strategy.</p> <p>(d) The relocation and/or upgrade of stormwater drainage pipes on site as necessary at the landowner/ developer's cost.</p>

3. Amending the Scheme Maps accordingly.

H. A. ZELONES, Mayor.
R. S. TAME, Chief Executive Officer.

PL402*

PLANNING AND DEVELOPMENT ACT 2005
 APPROVED LOCAL PLANNING SCHEME AMENDMENT
City of Cockburn
 Town Planning Scheme No. 3—Amendment No. 97

Ref: TPS/1035

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 Cockburn local planning scheme amendment on 24 January 2013 for the purpose of providing additional clarification as to the methodology of the calculation for development contributions for Development Contribution Plan 13 into Schedule 12 as follows (additional wording shown in bold text)—

Method for calculating contributions	<p>The City's Plan for the District identifies the needs that impact on the Development Contribution Plan. The contributions outlined in this plan have been derived based on the need for the facilities generated by the additional development in the Development Contribution Plan. This calculation excludes the demand for a facility that is generated by the current population in existing dwellings.</p> <p>Contributions shall be calculated on the basis of the number of new lots and/or dwellings created. Existing dwellings on a lot or lots to be subdivided or developed will be exempt from the contribution. Land required for public roads, public open space, drainage and other uses not including residential development will not be assessable. Where a lot may have further subdivisional potential, for example as a grouped dwelling site, contributions will be sought at the next development approval stage where additional dwellings or lots are created.</p> <p>Contributions applying to development of aged or dependant persons dwellings or single bedroom dwellings shall be calculated on the number of dwelling units permitted prior to the application of the variations permissible under clause 6.1.3.A3.1 of State Planning Policy Residential Design Codes.</p> <p>Notwithstanding the definitions of 'lot' listed in Schedule 1, for the purposes of calculating cost contribution liability within DCA13, the term lot will be inclusive of green title, survey strata and built strata subdivisions.</p>
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L. HOWLETT, JP, Mayor.
 S. G. CAIN, Chief Executive Officer.

PL403*

PLANNING AND DEVELOPMENT ACT 2005
 APPROVED LOCAL PLANNING SCHEME AMENDMENT
Shire of Kalamunda
 Local Planning Scheme No. 3—Amendment No. 43

Ref: TPS/0802

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 Kalamunda local planning scheme amendment on 24 January 2013 for the purpose of rezoning Lot 201 (3) Salix Way, Forrestfield from Public Purpose to Residential R60.

D. McKECHNIE, Shire President.
 J. TRAIL, Chief Executive Officer.

PL404*

PLANNING AND DEVELOPMENT ACT 2005
 APPROVED LOCAL PLANNING SCHEME AMENDMENT
Shire of Jerramungup
 Local Planning Scheme No. 2—Amendment No. 8

Ref: TPS/0863

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 8 January 2013 for the purpose of—

1. Creating a new 'Rural Enterprise' zone by—
 - (a) Adding a notation to the Scheme Map legend;

- (b) Adding a new dot point to Clause 4.2 (Objectives of the Zones) of the Scheme text as follows—

• **Rural Enterprise Zone**

- To provide for the establishment of land uses which accommodate residential dwellings as well as light/rural industry type land uses on the same site in a live and work arrangement.

- (c) Amending Table 1—Zoning Table by adding a new column and annotations as follows—

Uses		Rural Enterprise
1	aged or dependent persons dwelling	Refer to Schedule 13
2	agriculture-extensive	
3	agriculture-intensive	
4	agroforestry	
5	ancillary accommodation	
6	animal establishment	
7	animal husbandry—intensive	
8	aquaculture	
9	bed and breakfast	
10	caretaker's dwelling	
11	civic use	
12	club premises	
13	educational establishment	
14	fast food outlet	
15	fuel depot	
16	grouped dwelling	
17	home business	
18	home occupation	
19	hotel	
20	industry—cottage	
21	industry—extractive	
22	industry—general	
23	industry—light	
24	industry—rural	
25	industry—service	
26	motel	
27	motor vehicle repair	
28	multiple dwelling	
29	office	
30	place of worship	
31	plantation	
32	plant nursery	
33	recreation—private	
34	residential building	
35	restaurant	
36	rural home business	
37	rural pursuit	
38	service station	
39	shop	
40	single house	
41	tavern	
42	tourist accommodation	
43	transport depot	
44	veterinary centre	
45	warehouse	

(d) Adding a new Clause as follows—

5.28 RURAL ENTERPRISE ZONE

5.28.1 Site Requirements

Unless otherwise provided on the Subdivision Guide Plan, the minimum building setbacks are to be—

Front: 30.0m

Rear: 20.0m

Side: 20.0m

5.28.2 General Requirements

(a) A Subdivision Guide Plan is to be prepared for a specific area illustrating the following—

(i) the proposed ultimate subdivision including approximate lot sizes, OR the total number and minimum size of lots allowable within the specific area;

(ii) those physical features it is intended to conserve and the methods to be put in place by the applicant to ensure those areas will be appropriately managed;

(iii) retention of vegetation and revegetation using local native species; and

(iv) any other matters that, in the opinion of Council, need to be addressed based on the particular characteristics of a specific area of land.

(b) Subdivision and development is to generally be in accordance with a Subdivision Guide Plan adopted by the local government, signed by the Chief Executive Officer and endorsed by the WAPC for the land. If individual lots are shown on a Subdivision Guide Plan, no further subdivision of the lots shown is to occur.

(c) In addition to the Subdivision Guide Plan the provisions for making recommendations on subdivision and development in specific Rural Enterprise zones shall be in accordance with Schedule 13.

(d) Not more than 1 dwelling per lot is to be erected.

(e) No Rural Enterprise use will be permitted to operate solely on a property without a residential dwelling.

5.28.3 Applications for Planning Approval

In dealing with applications for planning approval in the Rural Enterprise Zone the Council will have regard for the following criteria and where appropriate will require the applicant to implement measures to address the following matters—

- Separation of incompatible land uses;
- Relevant guidelines and/or Codes of Practice prepared by the Environmental Protection Authority;
- Land Capability and other studies prepared for the Rural Enterprise Zone;
- Sustainable water supply for the proposed land uses;
- Effluent disposal requirements, and capability;
- Emission of noise, dust or odour;
- Building height and setbacks;
- Overshadowing and access to sunlight for housing;
- External appearance, colours and finishes;
- Advertising signage;
- Boundary fencing;
- Security lighting intruding into housing;
- Extent and standard of landscaping;
- Impact of roads;
- Standard of sealing and draining or driveways and car parks;
- Hours of operation; and
- Any other relevant factors.

(e) Adding a new 'Schedule 13—Rural Enterprise Zone' with the following new Rural Enterprise area as follows—

No.	Particulars of Land	Requirements
<i>RE 1</i>	Pt Lot 11 Borden-Bremer Bay Road, Bremer Bay	<p>1. Objective To provide for the establishment of land uses which accommodate residential dwellings as well as light/rural industry type land uses on the same site in a live and work arrangement.</p> <p>2. Subdivision and Development—</p> <p>a. Precinct boundaries, road and intersection alignments, and the extent of development exclusion areas shall be generally in</p>

No.	Particulars of Land	Requirements
		<p>accordance with the Subdivision Guide Plan adopted by the local government, signed by the Chief Executive Officer and endorsed by the WAPC for the land.</p> <p>b. The maximum number of lots in RE1 shall be 35. The minimum lot size shall be 1ha.</p> <p>c. A Local Water Management Strategy shall be prepared for the property at the time of subdivision.</p> <p>d. Driveways are to be located and constructed to the satisfaction of the local government having regard for the objective to minimise soil erosion.</p> <p>e. The materials and colours of external walls and the roofs of all buildings are to be non-reflective unless adequately sited and/or screened and, blend with the landscape to the satisfaction of the local government.</p> <p>f. Buildings are to be designed to be compatible with the rural setting and rural character of the immediate locality.</p> <p>g. Appropriate buffers and other measures (e.g. landscaping, screening, noise attenuation through built form etc) are to be demonstrated as part of a planning application and are to be implemented to ensure that the residential and industrial type land uses co-existing on each lot do not have detrimental impacts on each other.</p> <p>h. Water supply and effluent disposal for each lot is to be the responsibility of the owner.</p> <p>i. A dwelling is not to be occupied unless water storage tank(s) of minimum total capacity of 135 kilolitres and an approved method of effluent disposal have been installed and are operating. A minimum roof catchment area of 450m² is also required.</p> <p>j. Suitable water supply (e.g. catchment area and storage capacity) is to be demonstrated by the applicant for each proposed industrial type land use, to the satisfaction of the local government. The approved water supply is to be installed prior to occupancy of the building.</p> <p>k. No signs are to be erected without the prior written approval of the local government except for a lot and homeowner identification sign no larger than 0.1m² in area.</p> <p>l. At the time of subdivision, the WAPC may impose a condition requiring that purchasers of the lots are to be provided with copies of the special provisions of Rural Enterprise Area No. 1.</p> <p>m. At the time of subdivision, the WAPC may impose a condition requiring that notifications be put on the titles of the lots to advise purchasers of the lots of potential impacts from surrounding land uses.</p> <p>n. No development shall take place in the development exclusion areas shown on the Subdivision Guide Plan. Fencing across Bitterwater Creek shall not be permitted.</p> <p>3. Development Precincts—</p> <p>a. Precinct A</p> <p>Land uses permitted in this precinct are as follows—</p> <ul style="list-style-type: none"> • Agroforestry; • Ancillary Accommodation;

No.	Particulars of Land	Requirements
		<ul style="list-style-type: none"> • Animal Establishment; • Aquaculture; • Caretaker's Dwelling; • Home Business • Home Occupation • Industry—Cottage • Industry—Light; • Industry—Rural; • Industry—Service; • Plantation; • Plant Nursery; • Recreation—Private; • Rural Home Business; • Rural Pursuit; • Single House; • Veterinary Centre; and • Warehouse. <p>Discretionary land uses in this precinct are as follows—</p> <ul style="list-style-type: none"> • Civic use; • Club Premises; • Educational establishment; • Fuel Depot; • Industry—General; • Motor Vehicle Repair; and • Transport Depot. <p>b. Precinct B</p> <p>Land uses permitted in this precinct are as follows—</p> <ul style="list-style-type: none"> • Agroforestry; • Ancillary Accommodation; • Home Business; • Home Occupation; • Industry—Rural; • Plantation; • Rural Home Business; • Rural Pursuit; and • Single House. <p>Discretionary land uses in this precinct are as follows—</p> <ul style="list-style-type: none"> • Animal Establishment; • Aquaculture; • Caretaker's Dwelling; • Civic Use; • Club Premises; • Educational Establishment; • Industry—Cottage; • Industry—Light; • Industry—Service; • Plant Nursery; • Recreation—Private; • Veterinary Centre; and • Warehouse. <p>4. Effluent Disposal—</p> <p>a. Effluent disposal will be by on-site means at the cost of the landowner.</p> <p>b. No effluent disposal system shall be located within the exclusion area shown on the Subdivision Guide Plan.</p>

No.	Particulars of Land	Requirements
		<p>c. The type of effluent disposal system to be used for each lot shown on the Subdivision Guide Plan shall be approved by the local government.</p> <p>d. Appropriate Alternative Treatment Units and filtration systems will need to be provided on site for sewerage and waste water in relation to the proposed industrial type land uses. The appropriate systems are to be negotiated with and approved by the local government.</p> <p>5. Fire Protection—</p> <p>a. The local government may require the preparation of a fire management plan at the time of subdivision.</p> <p>b. The local government may request the Commission to impose a condition at the time of subdivision requiring the installation of a 50,000L water tank or equivalent for fire fighting purposes and associated infrastructure.</p> <p>c. The local government may request the Commission to impose a condition at the time of subdivision requiring access rights to water contained in any dams located within RE 1.</p> <p>6. Landscaping/Revegetation—</p> <p>a. The local government may request the Commission to impose a condition at the time of subdivision requiring the planting of vegetation buffers with native endemic species along lot boundaries.</p> <p>b. The local government may request the Commission to impose a condition at the time of subdivision requiring the preparation and implementation of a foreshore management plan for Bitterwater Creek, in consultation with the relevant agency. This may include, but not be limited to, fencing of the foreshore area, stabilisation of the creek banks and the planting of riparian vegetation for Bitterwater Creek.</p> <p>c. The local government may require additional landscaping around proposed industrial uses to screen these uses from surrounding development.</p> <p>7. Construction of Roads and Access to Lots—</p> <p>a. At the time of subdivision a restrictive covenant will be placed on the relevant lots prohibiting direct vehicular access to Borden-Bremer Road.</p> <p>b. At the time of subdivision the internal road and its intersection with Borden-Bremer Bay Road shall be constructed to a width and standard able to accommodate large articulated vehicles.</p> <p>c. At the time of subdivision construction of the intersection with Borden-Bremer Bay Road shall incorporate a passing bulge in the Borden-Bremer Bay Road, to Main Roads WA standard specifications.</p> <p>d. Design and construction of internal roads where they cross Bitterwater Creek shall incorporate measures to provide for fauna movement.</p>

2. Rezoning Pt Lot 11 Borden-Bremer Bay Road from 'Rural' to 'Rural Enterprise' and amending the Scheme Map accordingly.

R. LESTER, Shire President.
W. PARKER, Chief Executive Officer.

PL405*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT
Shire of Exmouth

Town Planning Scheme No. 3—Amendment No. 29

Ref: TPS/0950

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 Exmouth local planning scheme amendment on 30 January 2013 for the purpose of—

1. Rezoning portion of Lot 847 Nimitz Street and portion of Lot 500 Reid Street, Exmouth, from 'Recreation and Open Space' to 'Residential Development'.
2. Amending the Scheme Map accordingly, as depicted on the Scheme Amendment Map.

C. SHALES, Shire President.
 B. PRICE, Chief Executive Officer.

RACING, GAMING AND LIQUOR

RA401*

LIQUOR CONTROL ACT 1988

LIQUOR APPLICATIONS

The following are 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 and Liquor, 1st Floor, 87 Adelaide Terrace, Perth, Telephone: (08) 9425 1888, or consult a solicitor or relevant industry organisation.

App. No.	Applicant	Nature of Application	Last Date for Objections
APPLICATIONS FOR THE GRANT OF A LICENCE			
14639	Kaiseki Group Pty Ltd	Application for the grant of a Restaurant licence and Alfresco Dining permit in respect of premises situated in Northbridge and known as Aisuru Sushi	13/03/2013
14624	6003 Pty Ltd	Application for the grant of a Small Bar licence in respect of premises situated in Northbridge and known as Sneaky Tony's	5/03/2013
14625	6003 Pty Ltd	Application for the grant of a Small Bar licence in respect of premises situated in Northbridge and known as Pleased To Meet You	5/03/2013
APPLICATION FOR EXTENDED TRADING PERMITS—ONGOING EXTENDED HOURS			
40023	Tonbridge Nominees Pty Ltd	Application for the grant of an extended trading permit—ongoing hours in respect of premises situated in Fremantle and known as Rosie O'Grady's The Pub—Fremantle	21/02/2013
APPLICATION TO ADD, VARY OR CANCEL A CONDITION OF LICENCE			
379001	The Midnight Fox	Application to add, vary or cancel a condition of the Small Bar licence in respect of premises situated in Melville and known as The Midnight Fox	25/02/2013

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

B. A. SARGEANT, Director of Liquor Licensing.

Date: 8 February 2013.

DECEASED ESTATES

ZX401**TRUSTEES ACT 1962**
DECEASED ESTATES

Notice to Creditors and Claimants

Malcolm Ronald Sheridan, late of 67 Winery Drive, Karnup 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 between 16 December 2011 and 30 December 2011 are required by the personal representative to send particulars of their claims to him care of Clement & Co, Lawyers, Unit 2, 12 Sutton Street, Mandurah by 13 March 2013, after which date the personal representative may convey or distribute the assets having regard to the claims of which he/she then has notice.

CLEMENT & Co as solicitors for the personal representative.

ZX402**TRUSTEES ACT 1962**
DECEASED ESTATES

Notice to Creditors and Claimants

Gregory Ebbott, late of 29 Larch Loop, Margaret River, 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 18 July 2011 at Bunbury in the said State, are required by the personal representative, Susan Waterton of care of Simon Parsons & Co, PO Box 814, Morwell, Victoria to send particulars of their claims to her by the 15th day of March 2013, after which date the personal representative may convey or distribute the assets, having regard only to the claims of which she then has notice.

SIMON PARSONS & Co, as solicitors for the personal representative.

ZX403***TRUSTEES ACT 1962**
DECEASED ESTATES

Notice to Creditors and Claimants

Anna Banaszak, late of Koh-I-Noor Nursing Home, 34 Pangbourne Street, Wembley in the State of Western Australia, having died at Sir Charles Gairdner Hospital, Nedlands in the said State.

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 2009, are required by the trustee, Mr John Banaszak, of Level 14, 251 Adelaide Terrace, Perth in the said State, to send particulars of their claims to him by the 15th day of March 2013, after which date the trustee may convey or distribute the assets, having regard only to the claims of which he has had notice.

ZX404**TRUSTEES ACT 1962**
DECEASED ESTATES

Notice to Creditors and Claimants

Arthur Grattan Cade, late of 49 Tunnicliffe Street, Parmelia in the State of Western Australia, Aircraft Engineer, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates) in respect of the deceased, who died on 5 April 2012, are required by the executors, Greg Paul Mohen and Richard Ivan Cade to send particulars of their claims to them, care of Civic Legal of Level 2, 11 Mounts Bay Road, Perth WA 6000 (Ref: 103014) within one (1) month of the date of publication hereof, after which date the executor may convey or distribute the assets having regard to the claims of which they then have notice.

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