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GOVERNMENT  
**Gazette**

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# — PART 1 —

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## LOCAL GOVERNMENT

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LG301\*

### LOCAL GOVERNMENT ACT 1995

*Shire of Menzies*

#### ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES AMENDMENT LOCAL LAW 2013

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Menzies resolved on the 28 November 2013, to make the following local law.

#### 1. Citation

This local law is cited as the *Shire of Menzies Activities in Thoroughfares and Public Places Amendment Local Law 2013*.

#### 2. Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

#### 3. Principal Local Law

In this local law, the *Shire of Menzies Activities in Thoroughfares and Public Places Local Law 2007* published in the *Government Gazette* on 6 July 2007 is referred to as the principal local law. The principal local law is amended as follows.

#### 4. Preliminary

In the contents delete Part 3 and substitute with the following—

#### PART 3—NIAGARA DAM RESERVE

- 3.1 Interpretation
- 3.2 Permitted use of vehicles
- 3.3 Prohibition on use of firearms
- 3.4 Recovery of costs

#### 5. Clause 1.2 amended

Clause 1.2 is amended as follows—

- (a) Insert the following definition in alphabetical order—
  - “**firearm**” has the same meaning as in section 4 of the *Firearms Act 1973*;
  - “**missile**” has the same meaning as in section 4 of the *Firearms Act 1973*;
  - “**Schedule**” means a Schedule in this local law;
- (b) Delete the definition for “vehicle” and replace with the following—
  - “**vehicle**” means—
    - (a) every conveyance and every object capable of being propelled or drawn on wheels, tracks or otherwise, including car, truck, quad-bike, motorcycle or similar device; and
    - (b) an animal being ridden or driven;
 but excludes—
    - (c) a wheel-chair or any device designed for use by a physically impaired person on a footpath;
    - (d) a pram, a stroller or a similar device; and
    - (e) bicycle or similar device.

#### 6. Part 3 inserted

Insert in order—

#### PART 3—NIAGARA DAM RESERVE

##### 3.1 Interpretation

In this Part, unless the context otherwise requires—

“**Niagara Dam Reserve**” means Reserve 5062, Lot 127, under the management and control of the local government:

**3.2 Permitted use of vehicles**

(1) An owner of a vehicle or the person in control or having charge of a vehicle in the Niagara Dam Reserve shall ensure that the vehicle remains on designated tracks and vehicle parking areas at all times,

(2) Clause (1) has no effect where a vehicle is being operated—

- (a) with the express permission of the CEO; or
- (b) in response to an emergency.

**3.3 Prohibition on use of firearms**

A person shall not discharge a firearm within or so as the missile crosses any part of the Niagara Dam Reserve for any reason, except with the express permission of the CEO.

**3.4 Recovery of costs**

In addition to any penalty imposed, a person responsible for damage in the Niagara Dam Reserve to the environment or infrastructure is liable to action to recover all costs associated with reinstatement of the environment, or infrastructure.

**7. Schedule 1 amended**

Schedule 1 is amended as follows—

(a) Insert the following items in numerical order—

3.2 (1) Operation of a vehicle within the Niagara Dam Reserve not on a designated track or parking area	100
3.3 Discharge of a firearm within or so as to cross Niagara Dam Reserve	500

(b) Delete the clause reference “2.2(1)0)” and substitute with “2.2(1)(j)”.

Dated: 12 December 2013.

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

G. DWYER, Shire President.  
P. CRAWFORD, Chief Executive Officer.

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## WORKSAFE

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WS301\*

Occupational Safety and Health Act 1984

## Occupational Safety and Health Amendment Regulations (No. 4) 2013

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Occupational Safety and Health Amendment Regulations (No. 4) 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 *Occupational Safety and Health Regulations 1996*.

**4. Regulation 6.9 amended**

In regulation 6.9(1) delete “12 months” and insert:

24 months

By Command of the Governor,

G. MOORE, Clerk of the Executive Council.

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## — PART 2 —

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### FIRE AND EMERGENCY SERVICES

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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 Wednesday 15th January 2014 for the local government districts of—

Mount Marshall, Mukinbudin, Westonia, Yilgarn

GARY GIFFORD, 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*.

FE402

**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 14th January 2014 for the local government district of—

Exmouth

GARY GIFFORD, 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*.

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### HEALTH

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HE401\*

**POISONS ACT 1964**  
POISONS ACT (SECTION 52A) NOTICE 2014

Made by the Minister under section 52A.

**1. Citation**

This notice may be cited as the *Poisons Act (Section 52A) Notice 2014*.

**2. Revocation of authorisation**

The *Poisons Act (Section 52A) Notice 2013B* 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

Neil Keen	Pharmaceutical Services Branch, Disaster Management, Regulation and Planning Directorate, Public Health Division, Department of Health.
Jane Carpenter	Pharmaceutical Services Branch, Disaster Management, Regulation and Planning Directorate, Public Health Division, Department of Health.

Rosemary Arrigo	Pharmaceutical Services Branch, Disaster Management, Regulation and Planning Directorate, Public Health Division, Department of Health.
Anna Gelavis	Pharmaceutical Services Branch, Disaster Management, Regulation and Planning Directorate, Public Health Division, Department of Health.
Joy Knight	Pharmaceutical Services Branch, Disaster Management, Regulation and Planning Directorate, Public Health Division, Department of Health.
Susana Gay	Pharmaceutical Services Branch, Disaster Management, Regulation and Planning Directorate, Public Health Division, Department of Health.
John McEncroe	Pharmaceutical Services Branch, Disaster Management, Regulation and Planning Directorate, Public Health Division, Department of Health.
Susan Gontaszewski	Pharmaceutical Services Branch, Disaster Management, Regulation and Planning Directorate, Public Health Division, Department of Health.
Alpa Dodhia	Pharmaceutical Services Branch, Disaster Management, Regulation and Planning Directorate, Public Health Division, Department of Health.
Michael Cao	Pharmaceutical Services Branch, Disaster Management, Regulation and Planning Directorate, Public Health Division, Department of Health.
Paula Munt	Pharmaceutical Services Branch, Disaster Management, Regulation and Planning Directorate, Public Health Division, Department of Health.
Lindsay Ferguson	Pharmaceutical Services Branch, Disaster Management, Regulation and Planning Directorate, Public Health Division, Department of Health.
Neil McIntosh	Regulatory Support & Training Unit, Disaster Management, Regulation and Planning Directorate, Public Health Division, Department of Health.
Mark Walding	Regulatory Support & Training Unit, Disaster Management, Regulation and Planning Directorate, Public Health Division, Department of Health.
Carrie Gould	Regulatory Support & Training Unit, Disaster Management, Regulation and Planning Directorate, Public Health Division, Department of Health.
Parisa De Jonge	Regulatory Support & Training Unit, Disaster Management, Regulation and Planning Directorate, Public Health Division, Department of Health.
Lisa Stewart	Inspector, Australian Pesticides and Veterinary Medicines Authority.

Dated this 12th day of January 2014.

Dr KIM HAMES, Minister for Health.

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## MARINE/MARITIME

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MA401\*

### WESTERN AUSTRALIAN MARINE ACT 1982

#### EXEMPTION

#### Community Group Vessels

(WAMA-2013-00900)

I, Sussan Shave, Acting General Manager Marine Safety, Department of Transport, delegate of the Chief Executive Officer, acting pursuant to the power in section 115A of the *Western Australian Marine Act 1982* (WAMA), hereby exempt all commercial vessels owned by community groups which are not domestic commercial vessels under the *Marine Safety (Domestic Commercial Vessels) National Law Act 2012*, from Part II of the WAMA 'Survey, Manning and Operation of Commercial Vessels'.

This exemption will have no application in the following situation—

Vessels owned by community groups are excluded from the definition of domestic commercial vessel under the National Law unless they are used for prescribed purposes or activities specified in the regulations made pursuant to it. Therefore, this exemption will have no application to those vessels owned by community groups that are used for the purposes or activities prescribed under the National Law. For more information, refer to the Commonwealth Marine Safety (Domestic Commercial Vessel) National Law Regulation 2013.

This exemption is subject to the following condition—

The vessels must comply with all laws applicable to *pleasure vessels*, as defined in section 98(1) of the WAMA. This includes requirements of the WAMA and the *Navigable Waters Regulations 1958* including, but not limited to, carriage of safety equipment.

Dated: 7 November 2013.

SUSSAN SHAVE, Acting General Manager,  
Marine Safety.

MA402\*

**SHIPPING AND PILOTAGE ACT 1967****REMOVAL AND APPOINTMENT OF DEPUTY HARBOUR MASTER**

I, Troy Buswell MLA, Minister for Transport acting pursuant to section 7A(1) of the *Shipping and Pilotage Act 1967*, hereby remove Captain David James Harrod as Deputy Harbour Master for the following ports, effective from 20 December 2013. I hereby appoint Captain Steven Wenban, effective from 13 January 2014, as Deputy Harbour Master of those same ports—

Port of Barrow Island  
 Port of Cape Preston  
 Port of Carnarvon  
 Port of Onslow  
 Port of Perth  
 Port of Port Walcott  
 Port of Varanus Island  
 Port of Yampi Sound

This Instrument of Removal and Appointment cancels the appointment of Captain Harrod dated 16 January 2013 and published in the *Government Gazette* on 25 January 2013.

Dated this 2nd day of January 2014.

T. BUSWELL MLA, Minister for Transport.

MA403\*

**WESTERN AUSTRALIAN MARINE ACT 1982****NAVIGABLE WATERS REGULATIONS 1958****RESTRICTED SPEED AREAS—ALL VESSELS**

Prohibited Swimming Area  
 Perth Waters, Swan River

Department of Transport,  
 Fremantle WA, 21 January 2014.

Acting pursuant to the powers conferred by Section 67 of the *Western Australian Marine Act 1982*, and 10A(b) of the *Navigable Waters Regulations 1958*, the department by this notice limits the speed of motor vessels to 8 knots between 1500 and 2300 hours on Sunday 26 January 2014, in all of Perth Waters from the Narrows Bridge to Heirisson Island; excluding the existing Five (5) knot area in the vicinity of the Barrack Street Jetty Complex, as published in Notice MA401 of the *Government Gazette* dated 7 January 2014, and excluding the five (5) knot area from the Western most point of Heirisson Island to the Eastern most point of Heirisson Island as published in Notice MA408 of the *Government Gazette* dated 1 October 2013.

The department prohibits Swimming and Bathing in Perth Waters from 1500 hours 26 January 2014 until Sunrise 27 January 2014.

The above swimming closure and speed restriction is not applicable to approved vessels or persons involved in approved aquatic events or associated with the **City of Perth Australia Day Skyworks 2014**.

PETER BEATTIE, A/ Director Waterways Management,  
 Department of Transport.

MA404\*

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

Port of Geraldton

Department of Transport,  
 Fremantle WA, 21 January 2014.

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 8.00 pm and 9:45 pm on Sunday, 26 January 2014—

**Geraldton Port**

Area of Closure—All the waters within a 250 metre radius of the firing point located at the end of the Western Groyne in Geraldton Port.

This area is set aside for safety measures during the set up and display of pyrotechnics associated with the Australia Day Celebration 2014.

RAYMOND BUCHHOLZ, General Manager Marine Safety,  
 Department of Transport.

MA405\*

**WESTERN AUSTRALIAN MARINE ACT 1982**  
**NAVIGABLE WATERS REGULATIONS 1958**  
 PROHIBITED SWIMMING AREA  
 Whitlock Island, Carnarvon

Department of Transport,  
 Fremantle WA, 21 January 2014.

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 8.00 pm and 9:15 pm on Sunday, 26 January 2014—

**Whitlock Island, Carnarvon**

Area of Closure—All the waters within a 100 metre radius of the firing point located at approximately 24°53'11.18S, 113°39'03.45E.

This area is set aside for safety measures during the set up and display of pyrotechnics associated with the Australia Day Celebration 2014.

RAYMOND BUCHHOLZ, General Manager Marine Safety,  
 Department of Transport.

MA406\*

**WESTERN AUSTRALIAN MARINE ACT 1982**  
**NAVIGABLE WATERS REGULATIONS 1958**  
 CLOSURE  
 Belmont Water Ski Area

Department of Transport,  
 Fremantle WA, 21 January 2014.

Acting pursuant to the powers conferred by Regulation 48A of the *Navigable Waters Regulations 1958*, the department by this notice temporarily revokes Notice MA410 as published in the *Government Gazette* on 27 November 2012 and hereby close the Belmont Water Ski Area for water skiing from 3:00 pm to sunset on Sunday 26 January 2014.

Notice MA410 as published in the *Government Gazette* on 27 November 2012 will be reinstated as of 8:00 on 27 January 2014.

PETER BEATTIE, A/Director Waterways Management,  
 Department of Transport.

## PLANNING

PL401\*

**PLANNING AND DEVELOPMENT ACT 2005**  
 APPROVED LOCAL PLANNING SCHEME AMENDMENT  
*City of Albany*  
 Town Planning Scheme No. 3—Amendment No. 315

Ref: TPS/1052

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 Albany local planning scheme amendment on 11 December 2013 for the purpose of modifying the Subdivision Guide Plan for Special Rural Zone No. 14 by amending the Development Exclusion Area on Lot 116 Forsyth Glade, Kronkup so that it reflects the existing structures and cleared areas.

D. WELLINGTON, Mayor.  
 G. FOSTER, Acting Chief Executive Officer.

PL402\*

**PLANNING AND DEVELOPMENT ACT 2005**  
**APPROVED LOCAL PLANNING SCHEME AMENDMENT**  
*City of Albany*  
 Town Planning Scheme No. 3—Amendment No. 299

Ref: TPS/0666

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 Albany local planning scheme amendment on 11 December 2013 for the purpose of—

1. Rezoning Lot 50 Chester Pass Road, King River from Rural zone to Special Rural Zone No. 41 and amending the Scheme Maps accordingly.
2. Inserting provisions relating to the subdivision, development and use of Special Rural Area 41 into Schedule 1 of the Scheme as follows—

(a) SPECIFIED AREA OF LOCALITY	(b) SPECIAL PROVISIONS TO REFER TO (a)
41. Lot 50 Chester Pass Road, King River	<p><b>1.0 Plan of Subdivision</b></p> <p>1.1 Subdivision shall be generally in accordance with the adopted Subdivision Guide Plan, as endorsed by the Chief Executive Officer.</p> <p>1.2 The local government and Commission may support variations to the Subdivision Guide Plan where sufficient justification is provided. Minor variations to the Subdivision Guide Plan can be considered as part of subdivision applications.</p> <p>1.3 Further subdivision of lots shown on the Subdivision Guide Plan is not permitted.</p> <p>1.4 A minimum lot size of 1 hectare shall apply.</p> <p><b>2.0 Objectives of Zone</b></p> <p>2.1 Within the Special Rural Zone Area No. 41 the objectives are to—</p> <ul style="list-style-type: none"> <li>• Provide for rural residential lifestyle opportunities in close proximity to Albany;</li> <li>• Provide larger lots where it is desirable for creek line protection, vegetation retention or to avoid the creation of building envelopes in buffer areas to extractive industries;</li> <li>• Provide for the further subdivision of the land in a manner that respects the site's characteristics, constraints and opportunities.</li> <li>• Provide for development in accord with the objectives of the Local Planning Strategy; and</li> <li>• Minimise the visual impact of development and further subdivision.</li> </ul> <p><b>3.0 Land Use</b></p> <p>3.1 Within Special Rural Zone No. 41 the following uses are permitted—</p> <ul style="list-style-type: none"> <li>• Single House</li> </ul> <p>3.2 The following uses may be permitted subject to the special approval of Council (A)—</p> <ul style="list-style-type: none"> <li>• Bed and Breakfast;</li> <li>• Craft Studio;</li> <li>• Home Business;</li> <li>• Home Occupation (Cottage Industry);</li> <li>• Home Office;</li> <li>• Keeping of hooved animals, grazing animals or beasts of burden;</li> <li>• Stables;</li> <li>• Public Utility; and</li> <li>• Other non-defined or incidental activities considered appropriate by Council which are consistent with the objectives of the zone.</li> </ul>

(a) SPECIFIED AREA OF LOCALITY	(b) SPECIAL PROVISIONS TO REFER TO (a)
	<p><b>4.0 Location of Buildings and Structures</b></p> <p>4.1 All buildings and structures shall be located outside Building Exclusion Areas as depicted on the Subdivision Guide Plan.</p> <p>4.2 All buildings and structures are to be contained within a Building Envelope approved by Council at the time of development and comprising an area of 10% of the lot area, or 1,000m<sup>2</sup>, whichever is the greater.</p> <p>4.3 Subject to sub-clauses 4.1 and 4.2 above, all buildings are to be setback as follows—</p> <ul style="list-style-type: none"> <li>• Chester Pass Road Habitable Building—80 Metres Other buildings—40 metres</li> <li>• Lot 4849—40 metres</li> <li>• Primary Street—15 metres</li> <li>• Secondary Street/Side/Rear—10 Metres</li> </ul> <p>4.4 Council may require applications for Planning Consent or building licences to be accompanied with a geotechnical assessment, proving the land is suitable for the development proposed.</p> <p><b>5.0 Building Design, Materials and Colour</b></p> <p>5.1 No dwelling or other noise-sensitive development shall be approved by Council until such time as Council is satisfied that indoor noise levels accord with AS2107-2000 Acoustics—Recommended design sound levels and reverberation times for building interiors.</p> <p>5.2 Dwellings and outbuildings shall be designed and constructed of materials, which allow them to blend into the landscape of the site. Council will be supportive of walls and roofs with green, brown or red toning in keeping with the amenity of the area.</p> <p>5.3 The use of reflective colours and materials for buildings and structures is prohibited including unpainted ‘Zincalume’ and off white colours.</p> <p>5.4 Dwelling houses and all outbuildings shall not exceed 7.5 metres in height, which is measured vertically from the natural ground level.</p> <p>5.5 No boundary fencing shall be constructed of fibre cement, metal sheeting or wooden picket. If fencing is utilised, it shall be of rural construction such as post and strand (or similar) to the satisfaction of Council.</p> <p>5.6 Lot boundaries within existing vegetated areas or revegetated areas are to be delineated by methods other than fencing. Pegs and/or cairns or other similar measures are acceptable.</p> <p><b>6.0 Vegetation and Creek Protection</b></p> <p>6.1 Council will request the WAPC to impose a condition at the time of subdivision requiring preparation and implementation of a foreshore management and revegetation plan for the creekline.</p> <p>6.2 No clearing of vegetation shall occur within Building Exclusion Areas except for trees that present an imminent danger to human health or are required to be cleared for approved lot access or fire management.</p> <p>6.3 No clearing of any vegetation located along the creek line is permitted.</p> <p>6.4 Council shall request the Commission to impose a condition at the time of subdivision, requiring tree/shrub planting within Special Rural Zone Area No. 41, as depicted on the Subdivision Guide Plan with endemic native trees and shrubs.</p> <p>6.5 Landowners shall maintain existing vegetation within the Building Exclusion and Revegetation areas as depicted on the Subdivision Guide Plan.</p>

(a) SPECIFIED AREA OF LOCALITY	(b) SPECIAL PROVISIONS TO REFER TO (a)
	<p>6.6 Council may impose a condition at the time of development requiring tree/shrub planting to screen future house sites.</p> <p>6.7 Council shall request the Commission to impose a condition at the subdivision stage requiring the provision of stock proof fencing to protect the riparian vegetation along the creek line as shown on the Subdivision Guide Plan.</p> <p>6.8 Council shall request the Commission to impose a condition at the subdivision stage requiring the preparation and implementation of a Weed Management Plan with particular emphasis on the eradication and/or control of declared environmental and pest weeds on the property.</p> <p>6.9 Except with the approval of the local government after consultation with the relevant authority, the construction of dams or artificial retention flow, pumping, diversion of water or modification of the creek line or its banks is prohibited.</p> <p><b>7.0 Keeping of Livestock/Animals</b></p> <p>7.1 The keeping of livestock requires planning approval in accordance with Clause 3.2.</p> <p>7.2 The local government may require an application for the keeping of animals to be accompanied by a management plan, and Council shall have regard to the stocking rates recommended by the Department of Agriculture and Food WA.</p> <p>7.3 The keeping of livestock and animals shall not be undertaken in Building Exclusion Areas and should only be located in substantially cleared areas.</p> <p>7.4 Subject to clauses 7.1 and 7.2, the keeping of livestock for domestic purposes shall be restricted to fenced pastured areas of a lot. The owner shall be responsible for the construction and maintenance of stock proof fencing to protect remnant vegetation and revegetation areas. Animal numbers shall not exceed that stocking rates recommended by the Department of Agriculture. The keeping of animals shall not result in the removal or damage of vegetation or trees and/or result in soil degradation and/or dust nuisance.</p> <p>7.5 Intensive agricultural pursuits such as piggeries or horticultural operations are not permitted on any lot.</p> <p>7.6 Where in the opinion of Council the continued presence of animals on any portion of land is likely to cause or is causing damage to natural vegetation, water pollution, dust nuisance; and/or soil degradation, notice may be served on the owner of the land requiring immediate removal of those animals specified in the notice for a period stated in the notice.</p> <p>7.7 Where notice has been served on an owner in accordance with this Clause the Council may also require the land to be rehabilitated to its satisfaction within a minimum of 90 days or an alternative time frame of serving the notice.</p> <p>7.8 In the event that such action is not undertaken, Council may carry out the works deemed necessary, with all costs being borne by the owner.</p> <p>7.9 Where Council carries out works deemed necessary, the owner must reimburse the local government for the costs of undertaking the work within 28 days of the date of a requisition being made.</p> <p>7.10 Where an owner does not pay for the cost of works undertaken by the local government within 28 days of the date of a requisition being made, the local government may recover it as well as the costs of the proceedings for that recovery in a court of competent jurisdiction.</p> <p><b>8.0 Water Supply</b></p> <p>8.1 Council may request the Commission to impose a condition at the time of subdivision for the provision of reticulated water to the lots.</p>

(a) SPECIFIED AREA OF LOCALITY	(b) SPECIAL PROVISIONS TO REFER TO (a)
	<p><b>9.0 Effluent Disposal</b></p> <p>9.1 On-site effluent disposal is to be the responsibility of the individual landowners.</p> <p>9.2 The disposal of liquid and/or solid wastes shall be carried out with an effluent disposal system approved by Council and the Health Department of WA. Systems shall be designed and located to minimise nutrient export and/or release into any waterway or groundwater.</p> <p>9.3 Council shall require the use of phosphate-removing Alternative Treatment Unit (ATU) effluent disposal systems where use of these systems is depicted on the approved Subdivision Guide Plan or where in the opinion of the Council, soil conditions are not conducive to the retention of nutrients.</p> <p>9.4 Effluent disposal systems are prohibited within Development Exclusion Areas and Effluent Disposal Exclusion Areas as depicted on the approved Subdivision Guide Plan.</p> <p>9.5 Effluent disposal systems are to be located inside the building envelope required by sub-clause 4.2.</p> <p>9.6 No more than one effluent disposal system will be permitted per lot.</p> <p><b>10.0 Access</b></p> <p>10.1 All driveways and underground infrastructure shall be designed and constructed so as to avoid erosion impacts and prevent unnecessary discharge of storm water.</p> <p>10.2 Council shall request the Commission to impose a condition at the subdivision stage requiring a restrictive covenant to be registered on the Certificate of Title(s) for all lots adjacent to Chester Pass Road, pursuant to Section 150 of the <i>Planning and Development Act 2005</i>, to prohibit vehicular access from these lots to Chester Pass Road.</p> <p>10.3 Council shall request that the Commission impose a condition at subdivision stage requiring the re-routing of Millbrook Road and appropriate intersection treatment at Chester Pass Road to the specifications of Main Roads WA and at the subdivlder's cost.</p> <p><b>11.0 Fire Management</b></p> <p>11.1 Development within areas depicted on the approved Subdivision Guide Plan as 'Medium' Bush Fire Hazard Risk is to comply with the requirements of relevant bushfire protection guidelines and Australian Standard 3959.</p> <p>11.2 Fire hydrants in accordance with the relevant agency's requirements will be required as a condition of subdivision.</p> <p><b>12.0 Water Management and drainage</b></p> <p>12.1 An Urban Water Management Plan shall be lodged with an application for subdivision. Council may request that the WAPC impose a condition relating to the design and implementation of an Urban Water Management Plan (water usage and stormwater).</p> <p><b>13.0 Visual Management and Buffers</b></p> <p>13.1 At the time of subdivision, Council may request that the WAPC impose a condition relating to the preparation and implementation of a Visual Landscape Assessment and Plan.</p> <p>13.2 No subdivision shall proceed until all commercial extractive industry activities on Lot 50 have ceased for sand extraction and supply of gravel transported off the lot, and plans for rehabilitation have been substantially progressed to the satisfaction of the local government.</p> <p>13.3 Council shall not support subdivision within the designated buffer areas to the sandpit on Lot 4849 or the gravel pit on Lot 50 until the respective operations are closed and rehabilitated.</p>

(a) SPECIFIED AREA OF LOCALITY	(b) SPECIAL PROVISIONS TO REFER TO (a)
	<p>13.4 An Acoustic Assessment to determine road noise levels and any necessary mitigation measures in accordance with SPP5.4—Road and Rail Transport Noise and Freight Considerations in Land Use Planning is to be lodged with any application for subdivision.</p> <p><b>14.0 Notification of Prospective Owners</b></p> <p>14.1 Council may recommend that the WAPC impose a condition at subdivision stage requiring a notification or memorial on the Certificate of Title(s) for proposed lots to advise prospective purchasers that—</p> <ul style="list-style-type: none"> <li>• The land is within a Special Rural Zone and is subject to special land use requirements under the City of Albany Town Planning Scheme. Purchasers should liaise directly with the City.</li> <li>• There may be potential for nuisance as lots in the vicinity are utilised for rural uses and extractive industries which have potential for dust, noise and emissions.</li> <li>• Portions of the subdivided land have contained sand and gravel extraction pits which have been filled by the developer. At building licence stage, Council may require owners to lodge a geotechnical report demonstrating that the land can support the load of proposed development.</li> <li>• This property is situated adjacent to a major freight route and may be affected by transport noise. Further information regarding transport noise, including development restrictions and noise insulation requirements for noise-affected property are available from the City of Albany.</li> </ul> <p><b>15.0 Geotechnical Report</b></p> <p>15.1 Council shall recommend to the WAPC that a condition be imposed on the subdivision requiring a detailed geotechnical report to be approved by the local government both prior to commencement of subdivision works and following completion of subdivision works. The report to provide adequate information proving that the land is suitable to accommodate future dwellings.</p>

D. WELLINGTON, Mayor.  
G. FOSTER, Acting Chief Executive Officer.

PL403\*

**PLANNING AND DEVELOPMENT ACT 2005**  
APPROVED LOCAL PLANNING SCHEME AMENDMENT  
*Shire of Serpentine Jarrahdale*  
Town Planning Scheme No. 2—Amendment No. 168

Ref: TPS/0396

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 Serpentine Jarrahdale local planning scheme amendment on 14 January 2014 for the purpose of—

1. Adding the following text into Appendix 16 of the Scheme—  
Appendix 16A—Byford Development Contribution Area—Scheme Development Contribution Plan

Development contribution area name	Byford
Reference number on Scheme Map(s)	DCA 1
Boundary of development contribution area	Refer Scheme Map(s)

Items	<p>Thomas Road between Tonkin Highway and the Perth to Bunbury railway reserve—</p> <ul style="list-style-type: none"> <li>• Land required to achieve a 50 metre wide road reserve;</li> <li>• Earthworks for the unconstructed carriageway;</li> <li>• The construction and upgrade of one carriageway;</li> <li>• Associated drainage works including water sensitive urban design measures;</li> <li>• Traffic control devices including the following intersection treatments— <ul style="list-style-type: none"> <li>(i) Kardan Boulevard—construction of a channelised intersection, slip lanes and associated works.</li> <li>(ii) San Simeon Boulevard—full cost of signalisation.</li> <li>(iii) Plaistowe Boulevard—construction of a channelised intersection slip lanes and associated works.</li> <li>(iv) Briggs Road—construction of a channelised intersection slip lanes and associated works.</li> </ul> </li> <li>• Shared paths;</li> <li>• Utility removal, relocation and insertion; and</li> <li>• Associated costs including design and management.</li> </ul>
	<p>Abernethy Road between Tonkin Highway reserve and the Perth to Bunbury railway reserve (excluding that portion of Abernethy Road adjacent to the Byford Trotting Complex area where only half the road widening, construction and upgrade is the responsibility of the DCP)—</p> <ul style="list-style-type: none"> <li>• Land required to achieve a road reserve up to 30 metres in width;</li> <li>• Earthworks for the whole road reserve;</li> <li>• Complete road construction based on a single lane split carriageway with central median;</li> <li>• Associated drainage works including water sensitive urban design measures;</li> <li>• Traffic control devices including the following intersection treatments— <ul style="list-style-type: none"> <li>(i) San Simeon—full cost of signalisation.</li> <li>(ii) Kardan Boulevard—full cost of roundabout.</li> <li>(iii) Doley Road—full cost of roundabout.</li> <li>(iv) Briggs Road—full cost of roundabout.</li> <li>(v) Warrington Road—full cost of roundabout.</li> </ul> </li> <li>• Shared paths;</li> <li>• Utility removal, relocation and insertion; and</li> <li>• Associated costs including design and management.</li> </ul>
	<p>Orton Road New between Tonkin Highway and Soldiers Road—</p> <ul style="list-style-type: none"> <li>• Land required to achieve a road reserve up to 30 metres in width;</li> <li>• Earthworks for the whole road reserve;</li> <li>• Complete road construction based on a single lane split carriageway with central median;</li> <li>• Associated drainage works including water sensitive urban design measures;</li> <li>• Traffic control devices including the following intersection treatments— <ul style="list-style-type: none"> <li>(i) Doley Road—full cost of roundabout.</li> <li>(ii) Warrington Road—full cost of roundabout.</li> <li>(iii) Soldiers Road—full cost of roundabout.</li> </ul> </li> <li>• Shared paths;</li> <li>• Utility removal, relocation and insertion; and</li> <li>• Associated costs including design and management.</li> </ul>
	<p>Kardan Boulevard between Thomas Road and Abernethy Road—</p> <ul style="list-style-type: none"> <li>• Land required over and above a standard 20m road reserve to achieve a road reserve up to 30 metres in width;</li> <li>• Earthworks for the whole road reserve;</li> <li>• Complete road construction based on a single lane split carriageway with central median;</li> </ul>

	<ul style="list-style-type: none"> <li>• Associated drainage works including water sensitive urban design measures;</li> <li>• Shared paths;</li> <li>• Utility removal, relocation and insertion; and</li> <li>• Associated costs including design and management.</li> </ul>
	<p>San Simeon Boulevard between Thomas Road and Abernethy Road—</p> <ul style="list-style-type: none"> <li>• Land required over and above a standard 20m road reserve width to achieve a road reserve up to 30 metres in width;</li> <li>• Earthworks for the whole road reserve;</li> <li>• Complete road construction based on a single lane split carriageway with central median;</li> <li>• Traffic control devices including the following intersection treatments— <ul style="list-style-type: none"> <li>(i) Larsen Road—full cost of roundabout.</li> <li>(ii) Byford Town Centre main street—full cost of roundabout.</li> </ul> </li> <li>• Associated drainage works including water sensitive urban design measures;</li> <li>• Traffic control devices including two roundabouts;</li> <li>• Shared paths;</li> <li>• Utility removal, relocation and insertion; and</li> <li>• Associated costs including design and management.</li> </ul>
	<p>Doley Road between Abernethy Road and Orton Road New—</p> <ul style="list-style-type: none"> <li>• Land required to achieve a road reserve up to 30 metres in width;</li> <li>• Earthworks for the whole road reserve;</li> <li>• Complete road construction based on a single lane split carriageway with central median;</li> <li>• Associated drainage works including water sensitive urban design measures;</li> <li>• Shared paths;</li> <li>• Utility removal, relocation and insertion; and</li> <li>• Associated costs including design and management.</li> </ul>
	<p>Warrington Road between Abernethy Road and Orton Road New—</p> <ul style="list-style-type: none"> <li>• Earthworks for the whole road reserve;</li> <li>• Complete road construction based on an undivided single carriageway;</li> <li>• Associated drainage works including water sensitive urban design measures;</li> <li>• Shared paths;</li> <li>• Utility removal, relocation and insertion; and</li> <li>• Associated costs including design and management.</li> </ul> <p>Note: No land is required over and above a standard 20 metre road reserve for Warrington Road.</p>
	<p>Byford Central District Open Space Improvements—</p> <ul style="list-style-type: none"> <li>• Earthworks;</li> <li>• Grassing;</li> <li>• Irrigation; and</li> <li>• Associated costs relating to construction including design and management.</li> </ul>
	<p>West Byford Primary School/Kalimna District Open Space Improvements equivalent to 50% of the cost of the shared sporting oval—</p> <ul style="list-style-type: none"> <li>• Earthworks;</li> <li>• Grassing;</li> <li>• Irrigation; and</li> <li>• Associated costs relating to construction including design and management.</li> </ul>
	<p>Byford Primary School/The Glades District Open Space Improvements equivalent to 50% of the cost of the shared sporting oval—</p> <ul style="list-style-type: none"> <li>• Earthworks;</li> <li>• Grassing;</li> <li>• Irrigation; and</li> <li>• Associated costs relating to construction including design and management.</li> </ul>

	<p>Land for District Open Space, Public Open Space, and Drainage— All land required for district open space, public open space and/or drainage purposes.</p>																																																												
	<p>Water Monitoring— All expended and estimated future costs for the post development water monitoring programme required by the Byford Townsite Drainage and Water Management Plan.</p>																																																												
	<p>Administrative— All expended and estimated future costs associated with administration planning and development of the Byford District Structure Plan, District Water Management Plan/s, preparation and implementation of the Byford Development Contribution Plan and any technical documents necessary for the implementation of the above, including—</p> <ul style="list-style-type: none"> <li>• Planning studies;</li> <li>• Traffic studies;</li> <li>• Drainage studies;</li> <li>• Road design costs where not allocated to specific roads items under the DCP;</li> <li>• Other related technical and professional studies;</li> <li>• Borrowing costs (including loan repayments); and</li> <li>• Scheme Management Costs (including administration and management of the DCP).</li> </ul>																																																												
Contribution methodology	<p>The Byford development contribution area is divided into four precincts as shown on Plan 16A of Appendix 16. A Cost Contribution rate is to be calculated on a per lot/dwelling basis based on the estimated lot yield for those Precincts identified in Plan 16A and the infrastructure and land items outlined in the following table.</p> <table border="1"> <thead> <tr> <th>Precinct/Item</th> <th>A</th> <th>B</th> <th>C</th> <th>D</th> </tr> </thead> <tbody> <tr> <td>Thomas Road</td> <td>✓</td> <td>✓</td> <td>✓</td> <td>✓</td> </tr> <tr> <td>Abernethy Road</td> <td>✓</td> <td>✓</td> <td>✓</td> <td>✓</td> </tr> <tr> <td>Orton Road New</td> <td>✓</td> <td>✓</td> <td>✓</td> <td>✓</td> </tr> <tr> <td>Kardan Boulevard</td> <td>✓</td> <td></td> <td></td> <td></td> </tr> <tr> <td>San Simeon Boulevard</td> <td>✓</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Doley Road</td> <td>✓</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Warrington Road</td> <td>✓</td> <td></td> <td></td> <td></td> </tr> <tr> <td>District Open Space Improvements</td> <td>✓</td> <td>✓</td> <td>✓</td> <td>✓</td> </tr> <tr> <td>Land for Public Open Space and Drainage</td> <td>✓</td> <td>✓</td> <td></td> <td>✓</td> </tr> <tr> <td>Water Monitoring</td> <td>✓</td> <td>✓</td> <td>✓</td> <td>✓</td> </tr> <tr> <td>Administrative Items</td> <td>✓</td> <td>✓</td> <td>✓</td> <td>✓</td> </tr> </tbody> </table> <p>A Cost Review is to be undertaken at least annually at which time the Contribution Rate will be established based on—</p> <ol style="list-style-type: none"> <li>(a) Summary of Costs.</li> <li>(b) Estimated Future Lot Yield by approved Local Structure Plan by Precinct.</li> <li>(c) Estimated Future Lot Yield by intended local Structure Plan by Precinct.</li> <li>(d) Contribution Rate Per Lot By cost Item.</li> <li>(e) Contribution Rate Per Lot By Precinct.</li> </ol>	Precinct/Item	A	B	C	D	Thomas Road	✓	✓	✓	✓	Abernethy Road	✓	✓	✓	✓	Orton Road New	✓	✓	✓	✓	Kardan Boulevard	✓				San Simeon Boulevard	✓				Doley Road	✓				Warrington Road	✓				District Open Space Improvements	✓	✓	✓	✓	Land for Public Open Space and Drainage	✓	✓		✓	Water Monitoring	✓	✓	✓	✓	Administrative Items	✓	✓	✓	✓
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	<p>(f) Outstanding Cost of Completed Works (Expenditure on All Cost Items—Value of All Contributions Received).</p> <p>(g) Infrastructure Cost Escalator.</p> <p>(h) Land Value Escalator.</p> <p>(i) Administration Cost Escalator.</p> <p>(j) Precinct Daily Escalation Rate.</p> <p>To ensure costs remain current between Cost Reviews all costs will be calculated on a daily basis based upon an annual escalation rate to be established through the Cost Review.</p> <p>The start date for daily escalation is the approval date for the prevailing Cost Review.</p> <p>The Contribution Rate is to be applied as follows where DER is the daily escalation rate and D is the number of days since the last cost review—</p> <p>(i) <i>Standard residential subdivision or development</i>  The number of additional dwellings/lots being created at the time of subdivision/development multiplied by the applicable development contribution rate.  (Precinct contribution rate per lot/dwelling x DER x D x number of additional lots or dwellings being created = Required development contribution)</p> <p>(ii) <i>Non-standard residential subdivision or development (eg. Lifestyle village, retirement village, caravan park, park home estate or similar)</i>  The number of additional dwellings, residential units or similar created at the time of subdivision/development multiplied by the applicable development contribution rate.  (Precinct contribution rate per lot/dwelling x DER x D x number of additional lots or dwellings being created = Required development contribution)</p> <p>(iii) <i>Non-residential subdivision or development</i>  The R20 subdivision/development potential of the site (minus the equivalent of one lot or dwelling) multiplied by the applicable development contribution rate.  (Precinct contribution rate per lot/dwelling x DER x D x R20 subdivision/development potential of the site—the equivalent of one lot or one dwelling = Required development contribution)</p> <p>For private education establishments and associated development, provided a shared use agreement for public access to district open space is agreed to the satisfaction of the Shire, development contributions shall be levied at the 0.3 percent of the total development costs of the site, as agreed with the Shire based on the building licence application.</p> <p>(iv) <i>Mixed-use development</i>  The R20 subdivision/development potential of the site, or the actual number of lots/dwellings being created at the time of subdivision/development, whichever is the greater (minus the equivalent of one lot or dwelling), multiplied by the applicable development contribution rate.</p> <p><u>Based on the R20 site calculation</u>  (Precinct contribution rate per lot/dwelling x DER x D x R20 subdivision/development potential of the site—the equivalent of one lot or one dwelling = Required contribution rate)</p> <p><u>Based on the number of dwellings</u>  (Precinct contribution rate per lot/dwelling x DER x D x actual number of residential lots/dwellings being created—the first dwelling being created = Required development contribution)</p>
Period of operation	20 years
Priority and timing of infrastructure provision	Refer development contribution plan report (as revised from time to time).

Review Process	The development contribution plan will be reviewed when considered appropriate, having regard to the rate of subsequent development in the area since the last review and the degree of development potential still existing, but not exceeding a period of 5 years.
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2. Amending Scheme Map(s) by including Byford within the DCA 1 development contribution area special control area, as indicated on the Scheme Amendment map.
3. Amending Plan 16A of the Scheme Map(s)—Byford Development Contribution Areas, as indicated on the Scheme Amendment map.
4. Amending Plan 15A of the Scheme Map(s)—Byford Development Area and Precincts, as indicated on the Scheme Amendment map.

K. ELLIS, Shire President.  
R. GORBUNOW, Chief Executive Officer.

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**PL404\***

**PLANNING AND DEVELOPMENT ACT 2005**  
APPROVED LOCAL PLANNING SCHEME AMENDMENT  
*City of Stirling*  
Local Planning Scheme No. 3—Amendment No. 36

Ref: TPS/1147

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the City of Stirling local planning scheme amendment on 2 December 2013 for the purpose of amending the Scheme Map by rezoning Lots 10 and 9, House Numbers 8 and 10 Mumford Place, Balcatta from 'Industry' to 'Mixed Business'.

G. ITALIANO JP, Mayor.  
S. JARDINE, Chief Executive Officer.

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**PL405\***

**PLANNING AND DEVELOPMENT ACT 2005**  
APPROVED LOCAL PLANNING SCHEME AMENDMENT  
*City of Stirling*  
Local Planning Scheme No. 3—Amendment No. 37

Ref: TPS/1170

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the City of Stirling local planning scheme amendment on 9 January 2014 for the purpose of amending the Scheme Map by rezoning Lot 206, House Number 34 Blythe Avenue, Yokine from 'Civic' to 'Local Reserve: Public Open Space and Local Authority Purposes', as shown on the scheme amendment map.

G. ITALIANO JP, Mayor.  
S. JARDINE, Chief Executive Officer.

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**PL406\***

**PLANNING AND DEVELOPMENT ACT 2005**  
APPROVED LOCAL PLANNING SCHEME AMENDMENT  
*City of Armadale*  
Town Planning Scheme No. 4—Amendment No. 68

Ref: TPS/1062

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 9 January 2014 for the purpose of amending Schedule 3—Restricted Use No. 4 by replacing the word 'Forrestdale' with 'Piara Waters' within the 'Description of Land' column, deleting Condition 4.3 and renumbering existing Conditions 4.4, 4.5, 4.6 and 4.7 as 4.3, 4.4, 4.5 and 4.6 respectively.

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

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## RACING, GAMING AND LIQUOR

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RA401\*

**LIQUOR CONTROL ACT 1988****LIQUOR APPLICATIONS**

The following applications received under the *Liquor Control Act 1988 (the Act)* are 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
<b>APPLICATIONS FOR THE GRANT OF A LICENCE</b>			
14929	Woolworths Limited	Application for the grant of a Liquor Store licence in respect of premises situated in Hocking and known as Beer Wine Spirits Wyatt Grove Shopping Centre	21/02/2014
14937	Hippocampus Memorable Drinks Pty Ltd	Application for the grant of a Producers licence in respect of premises situated in West Perth and known as Hippocampus Memorable Drinks	4/02/2014
14943	Mint Enterprises Pty Ltd	Application for the grant of a Special Facility Caterer licence in respect of premises situated in Munster and known as La Mint Events and Catering	19/02/2014
14949	Mint Enterprises Pty Ltd	Application for the grant of a Restaurant licence in respect of premises situated in Munster and known as La Mint Cafe	19/02/2014
<b>APPLICATION FOR EXTENDED TRADING PERMITS—LIQUOR WITHOUT A MEAL</b>			
40958	Heather McFarlane Pty Ltd	Application for the grant of an extended trading permit—Liquor Without a Meal in respect of premises situated in Bunbury and known as VAT 2	28/01/2014
<b>APPLICATION TO ADD, VARY OR CANCEL A CONDITION OF LICENCE</b>			
382447	Edgewater Cricket Club Inc	Application to vary the trading conditions of a club restricted licence in Edgewater known as the Edgewater Cricket Club Inc	10/02/2014

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

Dated: 17 January 2014.

B. A. SARGEANT, Director of Liquor Licensing.

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## DECEASED ESTATES

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ZX401

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

## Notice to Creditors and Claimants

Rae Elizabeth Fenwick, late of Avalon Farm, Boudry Road, Wellstead, 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 31 May 2012, are required by the trustee of the late Rae Elizabeth Fenwick of care of Philip Wyatt Lawyer, PO Box 1026, Albany, Western Australia 6331 to send particulars of their claims to them within one (1) month from the date of publication of this notice, after which date the trustee may convey or distribute the assets, having regard only to the claims of which it then has notice.

Dated this 15th day of January 2014.

PHILIP WYATT LAWYER.