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# — PART 1 —

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## CEMETERIES

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CE301\*

Cemeteries Act 1986

### **Cemeteries (Dudinanning Cemetery - Transfer of Management and Dissolution of Board) Order 2014**

Made by the Governor in Executive Council under sections 5 and 7(4) of the Act.

**1. Citation**

This order is the *Cemeteries (Dudinanning Cemetery - Transfer of Management and Dissolution of Board) Order 2014*.

**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 the day after that day.

**3. Terms used**

In this order —

**Board** means the Dudinanning Cemetery Board deemed to have been established under section 7 of the Act;

**Cemetery** means the Dudinanning Cemetery, which is the land comprising the Dudinanning Cemetery (Reserve No. 14826) and which is deemed to be a cemetery under the Act;

**commencement day** means the day on which clause 4 comes into operation;

**Shire** means the Shire of Quairading.

**4. Transfer of management of Cemetery to Shire**

The care, control and management of the Cemetery is transferred from the Board to the Shire.

**5. Transfer and vesting of assets and liabilities**

- (1) The assets and liabilities of the Board are transferred to and vested in the Shire.
- (2) The Shire has all the powers necessary to take possession of, recover and deal with those assets and to discharge those liabilities.

**6. Board dissolved**

The Board is dissolved.

**7. Transitional provisions**

- (1) The Shire is to take delivery of all documents and records (however recorded or stored) relating to the operations of the Board.
- (2) Anything lawfully begun by or in relation to the Board may be carried on and completed by or in relation to the Shire.
- (3) Any agreement or instrument in existence immediately before commencement day and to which the Board was a party or that contains a reference to the Board has effect on and after commencement day as if —
  - (a) the Shire were substituted for the Board as a party to the agreement or instrument; and
  - (b) any reference in the agreement or instrument to the Board were a reference to the Shire, unless the context requires otherwise.
- (4) References to the Board in a written law as in force immediately before commencement day are to be read and construed as references to the Shire, unless because of the context it would be inappropriate to do so.

G. MOORE, Clerk of the Executive Council.

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## — PART 2 —

### CONSUMER PROTECTION

#### CP401\*

#### RESIDENTIAL TENANCIES ACT 1987

##### DELEGATIONS

In my capacity as Commissioner for Consumer Protection acting pursuant to section 10 of the *Residential Tenancies Act 1987* (“the Act”) I say as follows—

1. I revoke all previous delegations under section 10 of the Act.
2. I delegate to those persons who from time to time occupy the positions identified in the Schedule to this instrument the corresponding functions under the Act as set out in the Schedule to this instrument.

Dated the 30th day of April 2014.

ANNE DRISCOLL, Commissioner for Consumer Protection.

##### SCHEDULE

Position	Functions
Property Industries Director, <b>Property Industries Directorate</b>	Sections 95(1) and 79(4)
Property Industries Compliance and Conciliation Manager, <b>Property Industries Compliance And Conciliation</b>	Sections 95(1) and 79(4)
Compliance Manager, <b>Property Industries Compliance And Conciliation</b>	Sections 95(1) and 79(4)
Conciliation Coordinator, <b>Property Industries Compliance And Conciliation</b>	Section 79(4)
Senior Conciliation Officer, <b>Property Industries Compliance And Conciliation</b>	Section 79(4)
Conciliation Officer, <b>Property Industries Compliance And Conciliation</b>	Section 79(4)
Support Officer, <b>Property Industries Compliance And Conciliation</b>	Section 79(4)
Proactive Compliance Support Officer, <b>Property Industries Compliance And Conciliation</b>	Section 79(4)
Regional Coordinator, <b>Consumer Information</b>	Section 79(4)
Senior Regional Officer, <b>Consumer Information</b>	Section 79(4)
Conciliation Officer, <b>Consumer Information</b>	Section 79(4)
Bonds Administration Manager, <b>Bonds Administration</b>	Section 95(1)
Tenancy Bonds Coordinator, <b>Bonds Administration</b>	Section 95(1)
Tenancy Bonds Team Leader, <b>Bonds Administration</b>	Section 95(1)

#### CP402\*

#### CO-OPERATIVES ACT 2009

##### ISSUE OF CERTIFICATE OF REGISTRATION TO A CORPORATION

Notice is hereby given that on 24 April 2014, pursuant to section 19 of the Act, a certificate of registration was issued to—

CONTRACTORS & SELF-REPRESENTED WORKERS CO-OPERATIVE LTD

Dated: 5 May 2014.

GREG GOAD, A/Manager Associations and Charities for Registrar of Co-Operatives.

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## JUSTICE

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JU401\*

### JUSTICES OF THE PEACE ACT 2004 RESIGNATIONS

It is hereby notified for public information that the Minister has accepted the resignation of—

Mr Douglas Gordon Weir of Busselton  
from the Office of Justice of the Peace for the State of Western Australia.

RAY WARNES, Executive Director,  
Court and Tribunal Services.

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## MINERALS AND PETROLEUM

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MP401\*

### MINING ACT 1978 FORFEITURE

Department of Mines and Petroleum,  
East Perth WA 6004.

I hereby declare in accordance with the provisions of Sections 96A(1) and 97(1) of the *Mining Act 1978* that the undermentioned mining tenements are forfeited for breach of covenant, being non-payment of rent.

Hon BILL MARMION MLA, Minister for Mines and Petroleum; Housing.

Number	Holder	Mineral Field
	Exploration Licence	
70/4376	BHI Resources Pty Ltd	South West
70/4377	BHI Resources Pty Ltd	South West
74/495	Regency Mines Australasia Pty Ltd	Phillips River
	Mining Lease	
58/237	Canavan, Terrence John Eastland, Francis Joseph	Murchison

MP402\*

### MINING ACT 1978

#### APPROVAL OF RETENTION STATUS FOR AN EXPLORATION LICENCE

I Bill Marmion, Minister for Mines and Petroleum, give notice that I have approved Retention Status for the under mentioned exploration licences pursuant to section 69B(1) of the *Mining Act 1978*, effective from the date of this publication pursuant to section 69B(3).

Number	Holder/s	Mineral Field
E63/1145	Scaddan Energy Pty Ltd and Wesfarmers Resources Ltd.	Dundas
E63/1146	Scaddan Energy Pty Ltd and Wesfarmers Resources Ltd.	Dundas
E63/1202	Scaddan Energy Pty Ltd and Wesfarmers Resources Ltd.	Dundas

Number	Holder/s	Mineral Field
E63/1203	Scaddan Energy Pty Ltd and Wesfarmers Resources Ltd.	Dundas

Dated at Perth this 30th day of April 2014.

Hon BILL MARMION MLA, Minister for Mines  
and Petroleum; Housing.

### MP403\*

#### MINING ACT 1978

##### INSTRUMENT OF EXEMPTION OF LAND—EXTENSION PERIOD

The Minister for Mines and Petroleum pursuant to the powers conferred on him by Section 19 of the *Mining Act 1978*, hereby extends the term of the instrument of exemption of land that was declared on 7 May 2012 and gazetted at page 2152—2153 on 18 May 2012 for a period of two (2) years from 7 May 2014 and expiring on 6 May 2016

#### Description of Land

Land designated “S19/168” in the Geospatial description and plan at pages 15 and 16 of the Department of Mines and Petroleum file A0427/201201.

#### Locality

Jurien in the South West Mineral Field

Dated at Perth this 30th day of April 2014.

Hon BILL MARMION MLA, Minister for Mines  
and Petroleum; Housing.

## PLANNING

### PL401\*

#### PLANNING AND DEVELOPMENT ACT 2005 APPROVED LOCAL PLANNING SCHEME AMENDMENT *City of Canning* Town Planning Scheme No. 40—Amendment No. 184

Ref: TPS/0956

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 Canning local planning scheme amendment on 16 April 2014 for the purpose of—

- Rezoning the Brownlie Precinct from Residential R40, Residential R17.5/R40, and reclassifying from Local Authority Reserve for Civic and Cultural Areas, Local Authority Reserve for Public Purposes and Local Authority Reserve for Local Park and Recreation to Development.
- Creating a new Special Control Area under the Scheme by adding the Brownlie Precinct within Appendix 9—Development Area as follows—

Ref No.	Name and Location	Purpose	Provisions
DA 1	Brownlie Bentley	Facilitate re-development of the Brownlie Precinct for housing, retail, commercial and community uses.	Development and subdivision is to be in accordance with an approved Structure Plan.

- Adding DA1 to the Town Planning Scheme No. 40 map as shown on the Scheme Amendment 184 map.

L. REYNOLDS, Commissioner.  
L. RUSSELL, Chief Executive Officer.

PL402\*

**PLANNING AND DEVELOPMENT ACT 2005**  
**APPROVED LOCAL PLANNING SCHEME AMENDMENT**  
*Shire of Brookton*  
 Town Planning Scheme No. 3—Amendment No. 14

Ref: TPS/1138

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 Brookton local planning scheme amendment on 7 April 2014 for the purpose of inserting the following into the Scheme—

- 5.3.8 Notwithstanding Sections 5.3.1-5.3.7, the placement of relocated second hand buildings shall not be permitted on the following lots within the Brookton Townsite, or any subdivisions thereof: Lots 100-106 Brookton Highway.

K. T. WILKINSON, Shire President.  
 K. T. O'CONNOR, Chief Executive Officer.

PL403\*

**PLANNING AND DEVELOPMENT ACT 2005**  
**RESOLUTION**

RES 2014/01 RESOLUTION UNDER CLAUSE 32 OF THE MRS

**Resolution made under clause 32 of the Metropolitan Region Scheme regarding development control powers of the Western Australian Planning Commission**

On 25 March 2014, pursuant to clause 32 of the Metropolitan Region Scheme (MRS), the Western Australian Planning Commission (WAPC) resolved—

- A TO REVOKE its resolution made under clause 32 of the MRS as detailed in the notice entitled "RES 2011/01 Resolution under Clause 32 of the MRS" published in the *Government Gazette* of 1 November 2011 (pages 4612-4614);
- B TO REQUIRE all local governments within the MRS area to refer applications for development of the classes and in the locations specified in clauses 1 to 4 of the Schedule 1 to the WAPC for determination;
- C TO REQUIRE the local governments specified in clauses 5 to 10 of Schedule 1 to refer applications for development of the classes and in the locations specified in clauses 5 to 10 of Schedule 1 to the WAPC for determination;
- D TO CONFIRM that words used in the schedule to this resolution have the meanings given to them in the *Planning and Development Act 2005* (Act) and the MRS. In the case of any inconsistency, the Act prevails;
- E TO DECLARE that the resolution takes effect when notice of the resolution is published in the *Government Gazette*.

TIM HILLYARD, Secretary,  
 Western Australian Planning Commission.

**SCHEDULE 1**  
**REFERRAL ARRANGEMENTS FOR LOCAL GOVERNMENTS IN THE**  
**AREA COVERED BY THE MRS**

**1. Development of State or Regional Significance**

All applications made under clause 28 of the MRS for approval to commence and carry out development that the WAPC, by notice in writing in each case, advises the local government are of State or regional importance or in the public interest.

**2. Development in the Rural Zone**

The following classes of applications made under clause 28 of the MRS for approval to commence and carry out development on land in the Rural zone in the MRS—

- (a) Extractive industry—all applications; and
- (b) Any other use which in the opinion of the local government or the WAPC may not be consistent with the Rural zone

**3. Poultry Farms**

Applications made under clause 28 of the MRS for approval to commence and carry out development of new poultry farms or any extension or addition in excess of 100 square meters to the improvements of an existing poultry farm in the Rural, Urban or Urban Deferred zones in the MRS.

#### 4. Development in Activity Centres

Applications made under clause 28 of the MRS for approval to commence and carry out development relating to a building or extension/s to an existing building for shop-retail purposes—

- (a) where the local government or the WAPC considers that the development proposed may be of State or regional significance;
- (b) where the development proposed is major development which the local government considers is appropriately located in an activity centre of a higher level of the Activity Centre Hierarchy that the activity centre in which it is proposed to be located;
- (c) where the development proposed is major development which the WAPC (after consulting the relevant local government) considers is appropriately located in an activity centre of a higher level of the Activity Centre Hierarchy that the activity centre in which it is proposed to be located;
- (d) for Strategic metropolitan centre or Secondary centre developments where the development proposed is major development;
- (e) for District centre developments, where the development is major development and where approval of the proposal would result in the shop/retail floorspace exceeding 20 000m<sup>2</sup> of shop/retail floorspace (net lettable area); or
- (f) where the development proposed is wholly or partly located in zoned land in specialised centres;

except where the application complies with an activity centre structure plan or equivalent plan or strategy for the activity centre endorsed by the WAPC.

For the purpose of this resolution—

“activity centre” means the categories of activity centres set out in Table 2 and Table 3 of State Planning Policy 4.2, namely—

- Capital City;
- Strategic metropolitan centres;
- Secondary centres;
- District centres; and
- Neighbourhood centres.

“activity centre structure plan” means a structure plan prepared as required under 6.4 of State Planning Policy 4.2;

“major development” means development as defined in appendix 1 of State Planning Policy 4.2, namely—

- Development of any building where the building is used or proposed to be used for *shop-retail* purposes and where the shop-retail net lettable area of the proposed building is more than 10000m<sup>2</sup>; or
- Development of any extension/s to an existing building where the extension/s is used or proposed to be used for *shop-retail* purposes and where the shop-retail net lettable area of the extension/s is more than 5000m<sup>2</sup>.

“net lettable area” is defined in Appendix 1 of State Planning Policy 4.2;

“shop-retail” means the land use activities included in “Planning land use category 5: Shop/retail” as defined by the WAPC’s Perth Land Use and Employment Survey (as amended from time-to-time);

“specialised centres” means the centres identified in clause 5.1.1 of State Planning Policy 4.2, which focus on regionally significant economic or institutional activities that generate many work and visitor trips, which therefore require a high level of transport accessibility;

“State Planning Policy 4.2” means State Planning Policy No.4.2—Activity Centres for Perth and Peel, published in the *Government Gazette* on 31 August 2010.

### REFERRAL ARRANGEMENTS FOR SPECIFIC LOCAL GOVERNMENTS

#### 5. Stirling and Glendalough Station Precincts

The City of Stirling, in the areas defined in WAPC plan No. 4.1495/1, is to refer for determination by the WAPC the following classes of applications under clause 28 of the MRS for approval to commence and carry out development on land—

- (i) All applications that include non-residential uses and/or development; and
- (ii) All application for 5 or more residential dwellings.

#### 6. Kwinana Industrial Area

The City of Kwinana is to refer for determination by the WAPC all applications made under clause 28 of the MRS for all classes of development for the area shown on WAPC plan No. 4.1489/1, except where development is estimated by the applicant to be less than \$250,000 in respect of which the council may decide at its discretion to submit or not to the WAPC.

#### 7. North Coogee Industrial Area

The City of Cockburn is to refer for determination by the WAPC all application made under clause 28 of the MRS for all classes of development for the area shown on WAPC plan No. 4.1472/1.

**8. Parliament House Precinct 6**

The City of Perth is to refer for determination by the WAPC all applications for approval to commence and carry out development within—

- (a) The area depicted as the Inner Precinct on WAPC plan 3.2096; and
- (b) The area depicted as the Outer Precinct on WAPC plan 3.2096, where the development proposed will exceed the specified height limits, previously determined by the WAPC.

**9. Lots 6, 8 and 9 Scarborough Beach Road, Osborne Park**

The City of Stirling is to refer for determination by the WAPC those applications made under Clause 28 of the MRS for the area shown on WAPC plan 4.1544.

**10. Leach Highway and Stock Road—Leach Highway to South Street**

The Cities of Fremantle and Melville are to refer for determination by the WAPC those applications made under Clause 28 of the MRS for the area shown on WAPC plan 1.7068.

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PL404\*

**PLANNING AND DEVELOPMENT ACT 2005****RESOLUTION**

RES 2014/02 RESOLUTION UNDER CLAUSE 21 OF THE PRS

**Resolution made under clause 21 of the Peel Region Scheme regarding  
development on zoned land requiring planning approval**

**Preamble**

Under clause 18 of the Peel Region Scheme (PRS), and subject to the exemptions stated in clause 19 and 20, development on reserved land requires planning approval. On zoned land, development requires planning approval if it is of a kind or class set out in a resolution of the Western Australian Planning Commission (the WAPC) under clause 21 of the PRS.

**Resolution under clause 21 of the PRS**

On 25 March 2014, pursuant to clause 21 of the PRS, the WAPC resolved—

- A TO REVOKE its resolution made under clause 21 of the PRS as detailed in a notice entitled “Resolution under clause 21 of the PRS” published in the *Government Gazette* on 4 November 2011 (pages 4657-4660);
- B TO REQUIRE any development which is on land zoned under the Peel Region Scheme and which is of a kind or class set out in Schedule 1 to have the planning approval of the WAPC;
- C TO REQUIRE local governments in the area covered by the PRS, following referrals and procedures as specified in schedule 2 either—
  - (i) to forward applications for approval to commence and carry out such development to the WAPC for determination, or
  - (ii) to assess and determine such applications where the WAPC, under section 16 of the Act, has delegated those functions to the local government;
- D TO CONFIRM that words used in the schedules have the meanings given to them in the *Planning and Development Act 2005* and the PRS and, unless the context otherwise requires, the meanings defined in schedule 3;
- E TO DECLARE that the resolution takes effect when notice of the resolution is published in the *Government Gazette*.

TIM HILLYARD, Secretary,  
Western Australian Planning Commission.

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**SCHEDULE 1—Development on zoned land requiring planning approval**

**1. Development of State or Regional Significance**

Development of state or regional significance and development called in by or referred to the WAPC, in the following circumstances—

- (a) Development in respect of which the WAPC, by notice in writing in each case, advises the local government that the development is of state or regional significance or that, in the public interest, the development should be the subject of an application determined by the WAPC.
- (b) Development, in the opinion of the local government, which is of state or regional significance or for which an application should be determined by the WAPC by the WAPC in the public interest.

## 2. Land abutting Regional Open Space Reservation

All development on land abutting a regional open space reservation except—

- (a) Residential development of four or fewer dwellings that does not encroach onto the reservation.
- (b) Ancillary and incidental development that does not encroach onto the reservation and which in the opinion of the local government does not conflict with the purposes of the regional open space reservation stated in clause 10(a) of the PRS.
- (c) Development, other than intensive agriculture, associated with existing rural activities which in the opinion of the local government does not conflict with the purposes of the regional open space reservation stated in clause 10(a) of the PRS.

## 3. Land abutting Regional Road Reservation

Development of the following kinds on zoned land abutting a regional road reservation—

- (a) Development including earthworks and drainage which encroaches upon the regional road reservation.
- (b) Development with direct access or existing vehicular access to a regional road reservation.
- (c) Development where access to a regional road reservation is proposed.
- (d) Development which in the opinion of the WAPC or the local government has the potential to significantly increase traffic and has access to a regional road reservation.
- (e) Development where existing access to a regional road reservation is to be retained but where alternative access is available.

Exceptions—

- (i) Residential development of four or fewer dwellings that does not encroach onto the regional road reservation and where no additional, relocated or new access is proposed.
- (ii) Ancillary and incidental development that does not encroach onto the regional road reservation and where no additional, relocated or new access is proposed.

## 4. Development in Special Control Areas

Development on land—

- (a) in the water catchments special control area (SCA No. 1) which in the opinion of the WAPC or the local government may conflict with the purposes of SCA No. 1 stated in clause 15(1)(b) of the PRS.
- (b) In the waste water treatment plant odour buffers special control area (SCA No. 2) excepting where, in the opinion of the local government (where consistent with the advice and / or recommendation of the Water Corporation), the use or development of the land is consistent with detailed planning endorsed by the Commission under clause 15(23)(d) of the PRS.

## 5. Development in Activity Centres

Development relating to a building or extension/s to an existing building for shop-retail purposes—

- (a) where the local government or the WAPC considers that the development proposed may be of State or regional significance;
- (b) where the development proposed is major development which the local government considers is appropriately located in an activity centre of a higher level of the activity centre than the activity centre in which it is proposed to be located;
- (c) where the development proposed is major development which the WAPC (after consulting the relevant local government) considers is appropriately located in an activity centre of a higher level of the activity centre than the activity centre in which it is proposed to be located;
- (d) for Strategic metropolitan centre or Secondary centre developments where the development proposed is major development;
- (e) for District centre developments, where the development is major development and where approval of the proposal would result in the shop/retail floorspace exceeding 20 000m<sup>2</sup> of shop/retail floorspace (net lettable area); or
- (f) where the development proposed is wholly or partly located in zoned land in specialised centres;

except where the application complies with an activity centre structure plan or equivalent plan or strategy for the activity centre endorsed by the WAPC.

For the purpose of this resolution—

“activity centre” means the categories of activity centres set out in Table 3 of State Planning Policy 4.2, namely—

- Perth Capital City;
- Strategic metropolitan centres;
- Secondary centres;
- District centres; and
- Neighbourhood centres.

“activity centre structure plan” means a structure plan prepared as required under 6.4 of State Planning Policy 4.2;

“major development” means development as defined in appendix 1 of State Planning Policy 4.2, namely—

- development of any building where the building is used or proposed to be used for *shop-retail* purposes and where the shop-retail net lettable area of the proposed building is more than 10000m<sup>2</sup>; or
- development of any extension/s to an existing building where the extension/s is used or proposed to be used for *shop-retail* purposes and where the shop-retail net lettable area of the extension/s is more than 5000m<sup>2</sup>.

“shop-retail” means the land use activities included in “Planning land use category 2: Shop/retail” as defined by the WAPC’s Perth Land Use and Employment Survey (as amended from time-to-time);

“specialised centres” means the centres identified in clause 5.1.1 of State Planning Policy 4.2, which focus on regionally significant economic or institutional activities that generate many work and visitor trips, which therefore require a high level of transport accessibility;

“State Planning Policy 4.2” means State Planning Policy No.4.2—Activity Centres for Perth and Peel, published in the *Government Gazette* on 31 August 2010.

## 6. Development in the rural zone

Development in the rural zone, other than for a poultry farm, which in the opinion of the WAPC or the local government may not be consistent with the purposes of the rural zone stated in clause 12(e) of the PRS.

## 7. Poultry Farms

Development for a new poultry farm or for any extension or addition in excess of 100 m<sup>2</sup> to the improvements of an existing poultry farm.

### SCHEDULE 2—Requirements for referral to advice agencies and forwarding to the WAPC

1. Under clause 30 of the PRS, an application for planning approval is to be submitted to the local government, which shall be forward it to the WAPC within seven days and may within 42 days (or such longer period as the WAPC allows) make recommendations to the WAPC except where the local government exercises the powers and follow the procedures provided by an instrument of delegation made by the WAPC under section 16 of the *Planning and Development Act 2005*.

2. An application for development in or abutting a primary regional road reservation is to be referred within seven days to Main Roads Western Australia for advice and recommendation before being considered by the local government.

3. An application for development in or abutting another regional roads reservation is to be referred within seven days to the Department of Planning for advice and recommendation before being considered by the local government.

4. An application for development in the water catchment special control area (SCA No. 1) is to be referred within seven days to the Department of Water and/or the Water Corporation for advice and recommendation before being considered by the local government.

5. An application for development in the wastewater treatment plant special control area (SCA No. 2) is to be referred within seven days to the Water Corporation for advice and recommendation before being considered by the local government.

6. Where an application is referred to an advice agency for advice and recommendation the agency is to be advised that if no advice or recommendation has been received within thirty days of receipt of the application by the advice agency the application may be determined on the available information; and the WAPC, or a local government acting under delegated power, may determine the application on that basis.

7. Following referral of any application for advice and recommendation and where the local government does not accept the advice and/or recommendation of the advice agency, an application which is consequently to be determined by the WAPC is to be forwarded as soon as practicable to the WAPC together with the advice and recommendations provided by all advice agencies consulted and the reasons why the recommendation of the advice agency is not acceptable to the local government.

### SCHEDULE 3—Definitions

In this notice of resolution, words have the meanings given to them in the Act and the PRS. Unless the context otherwise requires—

‘Abutting’ reserved land means the zoned land shares a common boundary with reserved land.

‘Access’ means entry or exit (or both) from either a road or abutting development by a vehicle.

‘Advice agency’ means a department, public authority or body which is requested to provide advice and recommendations on applications for planning approval under the PRS as an agency responsible for reserved land or to which local governments refer applications under the terms of schedule 2.

‘Forward to the WAPC’ and similar expressions mean convey by mail, by hand or electronically to the Peel office of the Department of Planning.

‘Not acceptable’ means that the local government wishes the application to be determined in a manner that is inconsistent with the advice and/or recommendation received from the advice agency which the local government was required to consult.

'Planning approval' means the planning approval of the WAPC as required under the PRS and this resolution, whether granted by the WAPC or by delegates of the WAPC including committees, officers, local governments and members and officers of local governments.

### INDEX

Matter referred to	Where referred to		
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PL405\*

### PLANNING AND DEVELOPMENT ACT 2005

#### RESOLUTION

#### RESOLUTION UNDER CLAUSE 27 OF THE GBRS RES 2014/03

#### **Resolution made under clause 27 of the Greater Bunbury Region Scheme regarding development on zoned land requiring planning approval**

Unless exempted by clause 25 and 26, under clause 24 of the Greater Bunbury Region Scheme (GBRS), on *reserved* land, a person must not commence or carry out development unless that person has planning approval. Also under clause 24, on *zoned* land, a person must not commence or carry out development of a kind or class specified in a resolution made by the Western Australian Planning Commission (WAPC) under clause 27 unless that person has planning approval.

Under clause 27 of the GBRS, on *zoned* land, the WAPC may by resolution require specified development to have planning approval before it is commenced or carried out. By virtue of Section 5(2) of the *Planning and Development Act 2005* (the Act), this includes public works.

**Resolution under clause 27 of the GBRs**

On 22 April 2014, pursuant to clause 27 of the GBRs, the WAPC resolved—

- A TO REVOKE its resolution made under clause 27 of the Greater Bunbury Region Scheme as detailed in a notice published in the *Government Gazette* of 20 April 2012 (pages 1713-1717);
- B TO REQUIRE any development which is on land zoned under the Greater Bunbury Region Scheme, and which is of a kind or class set out in schedule 1, to be approved by the WAPC before the said development is commenced or carried out;
- C TO REQUIRE local governments within the area covered by the Greater Bunbury Region Scheme following referrals and procedures as specified in schedule 2, either—
  - (i) to forward applications for approval to commence and carry out such development to the WAPC for determination, or
  - (ii) to assess and determine such applications where the WAPC has formally delegated those functions to the local government;
- D TO CONFIRM that words used in the schedules to this resolution have the meanings given to them in the Act and the Greater Bunbury Region Scheme and, unless the context otherwise requires, the meanings defined in schedule 3. In the case of any inconsistency, the Act prevails;
- E TO DECLARE that this resolution takes effect when notice of it is published in the *Government Gazette*.

TIM HILLYARD, Secretary,  
Western Australian Planning Commission.

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**SCHEDULE 1—Development on zoned land requiring planning approval****1. Development of State or Regional Significance**

Development in respect of which the WAPC, by notice in writing in each case, advises the local government that the development is of state or regional significance or that, in the public interest, the development should be the subject of an application determined by the WAPC.

**2. Land abutting a Regional Open Space Reservation**

All development on land abutting a regional open space reservation except—

- (a) Residential development of four or fewer dwellings that does not encroach onto the reservation.
- (b) Ancillary and incidental development that does not encroach onto the reservation and which in the opinion of the local government does not conflict with the purposes of the regional open space reservation stated in clause 10(a) of the GBRs.
- (c) Development, other than intensive agriculture, associated with existing rural activities which in the opinion of the local government does not conflict with the purposes of the regional open space reservation stated in clause 10(a) of the GBRs.

**3. Land abutting a Regional Road Reservation**

Development of the following kinds on land abutting a regional road reservation—

- (a) Development including earthworks and drainage which encroaches upon the regional road reservation.
- (b) Development with direct access or existing vehicular access to a regional road reservation.
- (c) Development where access to a regional road reservation is proposed.
- (d) Development which in the opinion of the WAPC has the potential to significantly increase traffic and has access to a regional road reservation.
- (e) Development where existing access to a regional road reservation is to be retained but where alternative access is available.

Exceptions—

- (i) Residential development of four or fewer dwellings that does not encroach onto the regional road reservation and where no additional, relocated or new access is proposed.
- (ii) Ancillary and incidental development that does not encroach onto the regional road reservation and where no additional, relocated or new access is proposed.

**4. Land abutting other Reservations**

All development on land abutting a port installations, public purposes, railways, state forests or waterways reservation.

**5. Development in Special Control Areas**

Development of the following kinds in special control areas—

- (a) Development on land in the water catchments special control area (SCA No. 1) which in the opinion of the WAPC or the local government may conflict with the purposes of SCA No. 1 stated in clause 15(c) of the GBRs.
- (b) Development on land in the Kemerton industrial zone buffer special control area (SCA No. 2) which in the opinion of the WAPC or the local government may conflict with the purposes of SCA No. 2 stated in clause 18(b) of the GBRs.

- (c) Development on land in the Glen Iris service corridor buffer special control area (SCA No. 3) which in the opinion of the WAPC or the local government may conflict with the purposes of SCA No. 3 stated in clause 21(b) of the GBRS.
- (d) Development on land wholly or partly within the Wastewater Treatment Plant Odour Buffer special control area (SCA No. 4) which in the opinion of the WAPC or the local government may conflict with the purposes of SCA No. 4 stated in clause 24A(c) of the GBRS

#### **6. Development in the Strategic Agricultural Resource Policy Area**

Development in, adjacent to or in close proximity to the strategic agricultural resource policy area which, in the opinion of the WAPC or the local government, would potentially be incompatible with agricultural activities in the policy area or would be adversely affected by, or would adversely affect, those activities, including but not limited to bed and breakfast, caravan park, club premises, corrective institution, educational establishment, exhibition centre and park home park.

#### **7. Development in the Strategic Minerals and Basic Raw Materials Resource Policy Area**

Development in, adjacent to or in close proximity to the strategic minerals and basic raw materials resource policy area which, in the opinion of the WAPC or the local government, would potentially be incompatible with mining or materials extraction in the policy area or would be adversely affected by, or would adversely affect, those activities, including but not limited to agriculture—intensive, animal establishment, animal husbandry—intensive, caravan park, club premises, corrective institution, educational establishment, exhibition centre, fuel depot, industry—rural, park home park, place of worship, private recreation, rural pursuit, veterinary centre and winery.

#### **8. Development in the Floodplain Management Policy Area**

Development on land partly or wholly within the land subject to the floodplain management policy which, in the opinion of the WAPC or local government, would have the potential to increase the risk or impact from major river flooding, would be adversely affected by flooding, or would adversely affect the natural flood carrying capacity of floodplains or water quality of waterways as a natural resource.

#### **9. Development in Activity Centres**

Development in an activity centre relating to a building or extension/s to an existing building for shop-retail purposes where the development proposed constitutes a Major Development under the Activity Centres for Greater Bunbury Policy.

##### **Exceptions**

Development generally in accordance with WAPC endorsed Activity Centre Structure Plans.

#### **10. Development in the rural zone**

Development in the rural zone, other than for animal husbandry-intensive, which in the opinion of the WAPC or the local government may not be consistent with the purposes of the rural zone stated in clause 12(e) of the GBRS.

#### **11. Animal Husbandry**

Development for an animal husbandry-intensive premises, or for any extension or addition in excess of 100 m<sup>2</sup> to the improvements of an existing animal husbandry-intensive premises.

#### **12. Non-conforming use**

Any extension and/or change to a non-conforming use.

### **SCHEDULE 2—Requirements for referral to advice agencies and forwarding to the WAPC**

1. Under clause 36 of the GBRS, an application for planning approval is to be submitted to the local government, where the local government will exercise the powers and follow the procedures provided by an instrument of delegation made by the WAPC under section 16 of the *Planning and Development Act 2005*. If the application is to be determined by the WAPC, the local government shall forward it to the WAPC within seven days and make recommendations to the WAPC within 42 days (or such longer period as the WAPC allows).
2. An application for development abutting regional open space reservations, shall be referred within seven days to the Department of Planning for advice and recommendation before being considered by the local government.
3. An application for development in or abutting a primary regional roads reservation shall be referred within seven days to Main Roads Western Australia for advice and recommendation before being considered by the local government.
4. An application for development in or abutting an other regional roads reservation shall be referred within seven days to the Department of Planning for advice and recommendation before being considered by the local government.
5. An application for development abutting reserved land, other than land reserved for regional open space or for regional roads, shall be referred within seven days to the public authority responsible for that reserved land.
6. An application for development in the water catchment special control area (SCA No. 1) shall be referred within seven days to the Department of Water and/or the Water Corporation for advice and recommendation before being considered by the local government.

7. An application for development in the Kemerton industrial zone buffer special control area (SCA No. 2) shall be referred within seven days to the Department of State Development and the Environmental Protection Authority for advice and recommendation before being considered by the local government.

8. An application for development in the Glen Iris service corridor buffer special control area (SCA No. 3) shall be referred within seven days to the Bunbury Port Authority, Department of State Development and the Environmental Protection Authority for advice and recommendation before being considered by the local government.

9. An application for development in the Wastewater Treatment Plant Odour Buffer special control area (SCA No. 4) shall be referred within seven days to the Water Corporation for advice and recommendation before being considered by the local government.

10. An application for development in, adjacent to or in close proximity to the strategic agricultural resource policy area shall be referred within seven days to the Department of Agriculture and Food for advice and recommendation before being considered by the local government.

11. An application for development in, adjacent to or in close proximity to the strategic minerals and basic raw materials resource policy area shall be referred within seven days to the Department of Mines and Petroleum for advice and recommendation before being considered by the local government.

12. An application for development partly or wholly within the floodplain management policy area shall be referred within seven days to the Department of Water for advice and recommendation before being considered by the local government.

13. An application for an animal husbandry-intensive premises requiring approval under the GBRs shall be referred to the Department of Planning, Department of Agriculture and Food, Department of Health, Department of Environmental Regulation, Department of Parks and Wildlife and/or the Environmental Protection Authority for advice and recommendation before being considered by the local government.

14. An application for any extension and/or change to a non-conforming use shall be referred within seven days to the Department of Planning for advice and recommendation before being considered by the local government.

15. Where an application is referred to an advice agency for advice and recommendation the agency is to be advised that if no advice or recommendation has been received within thirty days of receipt of the application by the advice agency the application may be determined on the available information; and the WAPC or delegate of, or a local government acting under delegated power, may determine the application on that basis.

16. Following referral for advice and recommendation, an application which is to be determined by the WAPC shall be forwarded as soon as practicable to the WAPC together with the advice and recommendations provided by all advice agencies consulted and the advice and recommendation of the local government.

17. Where the recommendation provided by an advice agency specified above is not acceptable to the local government, the application, together with the recommendations provided by all advice agencies consulted and the reasons why the recommendation is not acceptable to the local government, shall be forwarded immediately to the WAPC for determination.

### SCHEDULE 3—Definitions

In this notice of resolution, words have the meanings given to them in the Act and the GBRs.

Unless the context otherwise requires—

‘Abutting’ reserved land means the zoned land shares a common boundary with reserved land.

‘Access’ means entry or exit (or both) from either a road or abutting development by a vehicle.

‘Activity centre’ means the category of activity centres set out in Table 2 of the *Activity Centres for Greater Bunbury Policy*, namely—

- City Centre
- District Centres
- Neighbourhood centres
- Special Centres
- Town Centres

‘Advice agency’ means a department, public authority or body which is requested to provide advice and recommendations on applications for planning approval under the GBRs as an agency responsible for reserved land or to which local governments refer applications under the terms of schedule 3.

‘Animal husbandry-intensive’ has the same meaning as in the *Town Planning Regulations 1967*.

‘Forward to the WAPC’ and similar expressions mean convey by mail, by hand or electronically to the Bunbury office of the Department of Planning.

‘Net lettable area’ means the area of all floors within the internal finished surfaces of permanent walls but excludes the following areas—

- (a) all stairs, toilets, cleaner’s cupboards, lift shafts and motor rooms, tea rooms and plant rooms and other service areas;
- (b) lobbies between lifts facing other lifts servicing the same floor

- (c) areas set aside for the provision of facilities or services to the floor or building;
- (d) areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building.

'Non-conforming use' has the same meaning as it has in the *Planning and Development Act 2005* section 172.

'Not acceptable' means that the local government wishes the application to be determined in a manner that is inconsistent with the recommendation or advice received from the advice agency which the local government was required to consult.

'Planning approval' means the planning approval of the WAPC as required under the GBRs and this resolution, whether granted by the WAPC or by delegates of the WAPC including committees, officers, local governments and members and officers of local governments.

'Proximity' and 'in close proximity' mean that the development is, in the opinion of the WAPC or local government, sufficiently close to a policy area for the effects of activities in the policy area (such as noise, odour, spray drift or dust) to be likely to have an adverse effect on the proposed use, and/or for the effects of the development to be likely to have an adverse effect on uses in the policy area.

'Shop-retail' means the land use activities included in "Planning land use category 5: Shop/Retail" as defined by the Commission's South West Land Use and Employment Survey (as amended from time-to-time).

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**Activity Centres for Greater Bunbury**

PL406\*

**PLANNING AND DEVELOPMENT ACT 2005**

## INSTRUMENT OF DELEGATION

## DELEGATION POWERS OF LOCAL GOVERNMENTS (GBRS) DEL 2014/01

**Delegation to local governments of certain powers and functions of the  
Western Australian Planning Commission relating to the  
Greater Bunbury Region Scheme****Preamble**

Unless exempted by clause 25 and 26, under clause 24 of the Greater Bunbury Region Scheme (GBRS), on reserved land, a person must not commence or carry out development unless that person has planning approval. Development on zoned land requires planning approval if it is of a kind or class set out in a resolution of the Western Australian Planning Commission (WAPC) under clause 27 of the GBRS. Parts 7 and 8 of the GBRS sets out the requirements, procedures and functions of the WAPC in relation to the determination of applications for planning approval.

Under section 16 of the *Planning and Development Act 2005* (the Act) the Western Australian Planning Commission (the WAPC) may, by resolution published in the *Government Gazette*, delegate any function to a local government, a committee established under the *Local Government Act 1995* or an employee of a local government.

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

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

On 22 April 2014, pursuant to section 16 of the Act, the WAPC RESOLVED—

- A TO DELEGATE to local governments, and to members and officers of those local governments, its functions in respect of the determination, in accordance with Parts 7 and 8 of the Greater Bunbury Region Scheme, of applications for approval to commence and carry out development as specified in schedules 1 and 2, within their respective districts, subject to the terms set out in schedule 3;
- B TO REVOKE its delegation of powers and functions to local governments as detailed in a notice published in the *Government Gazette* of 20 April 2012 (pages 1717—1722).

TIM HILLYARD, Secretary,  
Western Australian Planning Commission.

**PLANNING AND DEVELOPMENT ACT 2005**

## INSTRUMENT OF DELEGATION

**SCHEDULE 1—Development on reserved land delegated to local governments**

1. Development on land in a regional road reservation where the local government accepts the recommendation and any advice of the advice agency.
2. Development of private jetties and associated facilities located in an artificial waterway in the waterways reservation.

3. Development on reserved land, which requires planning approval under the GBRS and which is—
  - (a) Ancillary and incidental development that does not conflict with the purposes of the reservation; and
  - (b) Development where the local government accepts the recommendation and any advice of the public authority responsible for that reserved land.
4. Any extension and/or change to a non-conforming use which requires planning approval under the GBRS and which is one or more of the following kinds—
  - (a) Development where the local government accepts the recommendation and any advice of the Department of Planning.
  - (b) Development for which the local government decides to refuse.

#### **SCHEDULE 2—Development on zoned land delegated to local governments**

Applications for development on zoned land, excluding public works undertaken by public authorities—

1. On land abutting regional open space reservations, development which requires planning approval under the GBRS and which is one or more of the following kinds—
  - (a) Development where the local government accepts the recommendation and any advice of the Department of Planning.
  - (b) Development for which the local government decides to refuse approval under the GBRS.
2. On land abutting a primary regional roads reservation, development which requires planning approval under the GBRS and which is of one or more of the following kinds—
  - (a) Development where the local government accepts the recommendation and any advice of Main Roads Western Australia.
  - (b) Development for which the local government decides to refuse approval under the GBRS.
3. On land abutting an other regional roads reservation, development which requires planning approval under the GBRS and which is of one or more of the following kinds—
  - (a) Development where the local government accepts the recommendation and any advice of the Department of Planning.
  - (b) Development which—
    - i. complies with an approved access policy pertaining to other regional roads reservations submitted by the local government and endorsed by the WAPC, and
    - ii. is approved subject to conditions requiring compliance with that policy.
  - (c) Development for which the local government decides to refuse approval under the GBRS.
4. On land abutting a port installations, public purposes, railways, state forests or waterways reservation, development of one or more of the following kinds—
  - (a) Development where the local government accepts the recommendation and any advice of the public authority responsible for that reserved land.
  - (b) Development for which the local government decides to refuse approval under the GBRS.
5. On land in the water catchments special control area (SCA No. 1), development which requires planning approval under the GBRS and which is of one or more of the following kinds—
  - (a) Development where the local government accepts the recommendation and any advice of the Department of Water and/or the Water Corporation, as the case may be.
  - (b) Development for which the local government decides to refuse approval under the GBRS.
6. On land in the Kemerton industrial zone buffer special control area (SCA No. 2), development which requires planning approval under the GBRS and which is one or more of the following kinds—
  - (a) Development where the local government accepts the recommendation and any advice of the Department of State Development and the Environmental Protection Authority.
  - (b) Development for which the local government decides to refuse under approval under the GBRS.
7. On land in the Glen Iris service corridor buffer special control area (SCA No. 3) development which requires planning approval under the GBRS and which is one or more of the following kinds—
  - (a) Development where the local government accepts the recommendation and any advice of the Bunbury Port Authority, Department of State Development and the Environmental Protection Authority.
  - (b) Development for which the local government decides to refuse approval under the GBRS.

8. On land in the Wastewater Treatment Plant Odour Buffer special control area (SCA No. 4) development which requires planning approval under the GBRs and which is one or more of the following kinds—
  - (a) Development where the local government accepts the recommendation and any advice of the Water Corporation.
  - (b) Development for which the local government decides to refuse approval under the GBRs.
9. Development of one or more of the following kinds which is on land in, adjacent to or in close proximity to the strategic agricultural resource policy area and which requires planning approval under the GBRs—
  - (a) Development where the local government accepts the recommendation and any advice of the Department of Agriculture and Food.
  - (b) Development for which the local government decides to refuse approval under the GBRs.
10. Development of one or more of the following kinds which is on land in, adjacent to or in close proximity to the strategic minerals and basic raw materials resource policy area and which requires planning approval under the GBRs—
  - (a) Development where the local government accepts the recommendation and any advice of the Department of Mines and Petroleum.
  - (b) Development for which the local government decides to refuse approval under the GBRs.
11. Development of one or more of the following kinds which is on land partly or wholly within the land subject to the floodplain management policy area and which requires planning approval under the GBRs—
  - (a) Development where the local government accepts the recommendation and any advice of the Department of Water;
  - (b) Development for which the local government decides to refuse approval under the GBRs.
12. Development in an activity centre which is for shop-retail purposes and which requires planning approval under the GBRs and which is for one or more of the following kinds—
  - (a) Development generally in accordance with a WAPC endorsed activity centres structure plan;
  - (b) Development for which the local government decides to refuse approval under the GBRs.
13. Development in the rural zone, other than for an animal husbandry-intensive, which requires planning approval under the GBRs and for which the local government decides to refuse approval under the GBRs.
14. Development for an animal husbandry-intensive premises, or for any extension or addition in excess of 100 m<sup>2</sup> to the improvements of an existing animal husbandry-intensive premises and which is one or more of the following kinds—
  - (a) Development where the local government accepts the recommendation and any advice of the Department of Planning, Department of Agriculture and Food, Department of Health, Department of Environmental Regulation, Department of Parks and Wildlife and/or Environmental Protection Authority.
  - (b) Development for which the local government decides to refuse approval under the GBRs.
15. Any extension and/or change to a non-conforming use which requires planning approval under the GBRs and which is one or more of the following kinds—
  - (a) Development where the local government accepts the recommendation and any advice of the Department of Planning.
  - (b) Development for which the local government decides to refuse.

**SCHEDULE 3—Terms of delegations to determine development on reserved and zoned land**

1. Under clause 36 of the GBRs, an application for planning approval is to be submitted to the local government, which, if the application is to be determined by the WAPC, shall forward it to the WAPC in seven days and make recommendations to the WAPC within 42 days, or such longer period as the WAPC allows.
2. An application for development on reserved land, excluding regional open space, shall be referred within seven days to the public authority responsible for that reserved land for advice and recommendation before being considered by the local government.
3. An application for development on or abutting regional open space reservations, shall be referred within seven days to the Department of Planning for advice and recommendation before being considered by the local government.
4. An application for development in or abutting a primary regional roads reservation shall be referred within seven days to Main Roads Western Australia for advice and recommendation before being considered by the local government.

5. An application for development in or abutting an other regional roads reservation shall be referred within seven days to the Department of Planning for advice and recommendation before being considered by the local government.
6. An application for development abutting a port installations, public purposes, railways, state forests or waterways reservation shall be referred within seven days to the public authority responsible for that reserved land for advice and recommendation before being considered by the local government.
7. An application for development within the water catchments special control area (SCA No. 1) shall be referred within seven days to the Department of Water and/or the Water Corporation for advice and recommendation before being considered by the local government.
8. An application for development in the Kemerton industrial zone buffer special control area (SCA No. 2) shall be referred within seven days to the Department of State Development and the Environmental Protection Authority for advice and recommendation before being considered by the local government.
9. An application for development in the Glen Iris service corridor buffer special control area (SCA No. 3) shall be referred within seven days to the Bunbury Port Authority, Department of State Development and the Environmental Protection Authority for advice and recommendation before being considered by the local government.
10. An application for development in the Wastewater Treatment Plant Odour Buffer special control area (SCA No. 4) shall be referred within seven days to the Water Corporation for advice and recommendation before being considered by the local government.
11. An application for development within, adjacent to or in close proximity to the strategic agricultural resource policy area shall be referred within seven days to the Department of Agriculture and Food for advice and recommendation before being considered by the local government.
12. An application for development in, adjacent to or in close proximity to the strategic minerals and basic raw materials resource policy area shall be referred within seven days to the Department of Mines and Petroleum for advice and recommendation before being considered by the local government.
13. An application for development partly or wholly within the floodplain management policy area shall be referred within seven days to the Department of Water for advice and recommendation before being considered by the local government.
14. An application for an animal husbandry-intensive premises shall be referred to the Department of Planning, Department of Agriculture and Food, Department of Health, Department of Environmental Regulation, Department of Parks and Wildlife and/or the Environmental Protection Authority for advice and recommendation before being considered by the local government.
15. An application for any extension and/or change to a non-conforming use shall be referred within seven days to the Department of Planning for advice and recommendation before being considered by the local government.
16. Where an application is referred to an advice agency for advice and recommendation the agency is to be advised that if no advice or recommendation has been received within thirty days of receipt of the application by the advice agency the application may be determined on the available information; and the WAPC, or delegate of, or a local government acting under delegated power, may determine the application on that basis.
17. Following referral for advice and recommendation, an application which is to be determined by the WAPC shall be forwarded as soon as practicable to the WAPC with the advice and recommendations provided by all the advice agencies consulted together with the advice and recommendation of the local government.
18. Where the recommendation provided by an advice agency specified above is not acceptable to the local government, the application, together with the recommendations provided by all advice agencies consulted and the reasons why the recommendation is not acceptable to the local government, shall be forwarded immediately to the WAPC for determination.
19. Each local government shall report to the WAPC, in the form and manner required by the WAPC, all decisions made under this instrument of delegation.
20. The powers delegated to members and officers of a local government may only be exercised by a member or officer who has been delegated power from the local government to consider and determine applications for approval to commence and carry out development in the local government district under the local planning scheme.

#### SCHEDULE 4—Definitions

In this instrument of delegation, words have the meanings given to them in the Act and the GBRs. Unless the context otherwise requires—

‘Abutting’ reserved land means the zoned land shares a common boundary with reserved land.

‘Access’ means entry or exit (or both) from either a road or abutting development by a vehicle.

‘Activity centre’ means the category of activity centres set out in Table 2 of the *Activity Centres for Greater Bunbury Policy*, namely—

- City Centre
- District Centres
- Neighbourhood centres
- Special Centres
- Town Centres

‘Advice agency’ means a department, public authority or body which is requested to provide advice and recommendations on applications for planning approval under the GBRS as an agency responsible for reserved land or to which local governments refer applications under the terms of schedule 3.

‘Animal husbandry-intensive’ has the same meaning as in the *Town Planning Regulations 1967*.

‘Forward to the WAPC’ and similar expressions mean convey by mail, by hand or electronically to the Bunbury office of the Department of Planning.

‘Net lettable area’ means the area of all floors within the internal finished surfaces of permanent walls but excludes the following areas—

- (a) all stairs, toilets, cleaner’s cupboards, lift shafts and motor rooms, tea rooms and plant rooms and other service areas;
- (b) lobbies between lifts facing other lifts servicing the same floor
- (c) areas set aside for the provision of facilities or services to the floor or building;
- (d) areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building.

‘Non-conforming use’ has the same meaning as it has in the Planning and Development Act 2005 section 172.

‘Not acceptable’ means that the local government wishes the application to be determined in a manner that is inconsistent with the advice and/or recommendation received from the advice agency which the local government was required to consult.

‘Planning approval’ and ‘planning approval under the GBRS’ mean the planning approval of the WAPC as required under the GBRS and by resolution of the WAPC under clause 27 of the GBRS, whether granted by the WAPC or by delegates of the WAPC including committees, officers, local governments and members and officers of local governments.

‘Proximity’ and ‘in close proximity’ mean that the development is, in the opinion of the WAPC or local government, sufficiently close to a policy area for the effects of activities in the policy area (such as noise, odour, spray drift or dust) to be likely to have an adverse effect on the proposed use, and/or for the effects of the development to be likely to have an adverse effect on uses in the policy area.

‘Shop-retail’ means the land use activities included in “Planning land use category 5: Shop/Retail” as defined by the Commission’s South West Land Use and Employment Survey (as amended from time-to-time).

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#### Planning and Development Act 2005

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#### Greater Bunbury Region Scheme

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#### Activity Centres for Greater Bunbury

PL407\*

**PLANNING AND DEVELOPMENT ACT 2005**  
AMENDMENT TO INSTRUMENT OF DELEGATION  
DEL 2012/02 POWERS OF OFFICERS

**Amendment to the Instrument of Delegation to Officers of certain powers and functions of the Western Australian Planning Commission, as gazetted on 23 October 2012 and as amended by correction notice on 13 November 2012 and as subsequently amended by notices published on 6 September 2013 and 11 October 2013**

#### Preamble

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

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

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

On 22 April 2014, pursuant to section 16 of the Act, the WAPC resolved—

- A. TO DELEGATE its powers and functions as set out in column 1 of the attached schedule, to the person or persons from time to time holding or acting in the offices in the department charged with the administration of the *Planning and Development Act 2005*, as specified in column 2 of the attached schedule, subject to the conditions specified in column 3 of the attached schedule
- B TO AMEND the Instrument of Delegation DEL 2012/02 Powers of Officers Schedule 9— Powers under the Greater Bunbury Region Scheme published in the *Government Gazettes* on 23 October 2012 (pages 5078-5079) and as amended by correction notice on 13 November 2012 (page 5463) and as subsequently amended by notices published on 6 September 2013 (pages 4255-4258) and 11 October 2013 (pages 4637-4638) to give effect to this delegation, as set out in the attached Schedule.

TIM HILLYARD, Secretary,  
Western Australian Planning Commission.

**PLANNING AND DEVELOPMENT ACT 2005**

## INSTRUMENT OF DELEGATION

**Schedule 9—Powers under the Greater Bunbury Region Scheme**

Column 1	Column 2	Column 3
<p>9.1 Power to determine applications for approval to commence and carry out development submitted or referred to the WAPC pursuant to the provisions of the Greater Bunbury Region Scheme but only where—</p> <p>(a) the determinations is not significantly at variance with the recommendations made by the local government;</p> <p>(b) no response has been received from the local government within the period prescribed in clause 36(3) of the Greater Bunbury Region Scheme;</p> <p>(c) the application is refused; or</p> <p>(d) the determination is at variance to the recommendations made by local government but only where approval of the development would be consistent with WAPC policy.</p> <p>9.2. Power to defend, respond, appeal and otherwise deal with legal proceedings.</p> <p>9.3. Power to endorse Management Plans on behalf of the WAPC for the purposes of Clause 25(f)(v) of the Greater Bunbury Region Scheme.</p> <p>9.4. Power to approve written applications to revoke or amend planning approvals prior to the commencement of the development pursuant to the provisions of Section 30 of the Greater Bunbury Region Scheme.</p> <p>9.5. Power to approve written requests for an extension of the term of planning approval at any time prior to the expiry of a planning approval pursuant to the provisions of Section 43(2) of the</p>	<ul style="list-style-type: none"> <li>• Executive Director, Regional Planning and Strategy Division,</li> <li>• Planning Director, South West Regions,</li> <li>• Planning Manager, Statutory Planning,</li> <li>• Planning Manager Greater Bunbury Region Scheme</li> </ul>	

Column 1	Column 2	Column 3
<p>Greater Bunbury Region Scheme, for a maximum of a further two years only.</p> <p>9.6. Power to approve detailed plans requiring the subsequent approval of the WAPC as a condition of development approval pursuant to the provisions of the Greater Bunbury Region Scheme and power to confirm that conditions imposed by the WAPC on a development approval pursuant to the provisions of the Greater Bunbury Region Scheme have been complied with.</p> <p>9.7. Power to determine whether or not proposals and the ongoing implementation of the Greater Bunbury Region Scheme comply with the conditions (if any) applied pursuant to section 48F and 48J of the Environmental Protection Act 1986.</p> <p>9.8. In relation to a resolution of the WAPC made under clause 27 of the Greater Bunbury Region Scheme, power to determine, after consultation with the Chairperson WAPC, whether or not applications to commence and carry out development are of state or regional significance, or in the public interest.</p> <p>9.9. In relation to a resolution of the WAPC made under clause 27 of the Greater Bunbury Region Scheme, power to determine whether or not a proposed development requires planning approval for the following reasons—</p> <ul style="list-style-type: none"> <li>(a) development which abuts and has access to a regional road reservation has the potential to significantly increase traffic;</li> <li>(b) development in a special control area may conflict with the purposes of the special control area;</li> <li>(c) development in, adjacent to or in close proximity to a policy area is potentially incompatible with the intended activities in the policy area or would be adversely affected by, or would adversely affect, those activities;</li> <li>(d) development is sufficiently close to a policy area for the effects of activities in the policy area to be likely to adversely affect the proposed use and/or for the effects of the development to be likely to adversely affect uses in the policy area;</li> <li>(e) development in the rural zone may not be consistent with the purposes of the rural zone.</li> </ul>		

Column 1	Column 2	Column 3
9.10. Power to extend the period during which a local government is required to forward its recommendations to the WAPC under clause 36 of the Greater Bunbury Region Scheme, and this extension not exceeding 60 days.		
9.11. Power to issue certificates under clause 53 of the Greater Bunbury Region Scheme.	<ul style="list-style-type: none"> <li>• Statutory and Strategic Mapping Manager,</li> <li>• Statutory Mapping Coordinator</li> </ul>	
9.12. Power to determine applications for approval of the development of public housing, after consultation with the Chairperson WAPC where such applications are made pursuant to the provisions of the Greater Bunbury Region Scheme, and the relevant local government does not recommend support for an application, or the local government does not provide a recommendation within the specified time period.	<ul style="list-style-type: none"> <li>• Executive Director, Regional Planning and Strategy Division</li> </ul>	
9.13 Power to submit to the Minister for Planning, after consultation with the Chairperson WAPC, the material contemplated by s48(1) (c)—(e) of the Act, namely the proposed region scheme amendment together with a report on the submissions received (if any) and copies of any such submissions. 9.14 Power to submit to the Minister for Planning, after consultation with the Chairperson WAPC, the material contemplated in s59 of the Act concerning a proposed minor amendment of a region scheme.	<ul style="list-style-type: none"> <li>• Executive Director, Regional Planning and Strategy Division,</li> <li>• Planning Director, South West Regions,</li> <li>• Planning Manager, Statutory Planning,</li> <li>• Planning Manager Greater Bunbury Region Scheme</li> </ul>	<ul style="list-style-type: none"> <li>• Confined to matters related to land within Greater Bunbury Region Scheme area</li> <li>• Confined to amendments which generally conform with the scope and nature of that proposed by the WAPC in its resolution determining that the scheme be amended.</li> </ul>

PL408\*

**PLANNING AND DEVELOPMENT ACT 2005**  
**GREATER BUNBURY REGION SCHEME MAJOR AMENDMENT 0024/41**  
**INDUSTRIAL DEFERRED ZONE**

**Outcome of Amendment**

It is hereby notified for public information that the Industrial Deferred Zone amendment to the Greater Bunbury Region Scheme has been submitted before both Houses of Parliament in accordance with the provisions of section 41 of the *Planning and Development Act 2005*.

The purpose of this amendment is to give statutory effect in the GBRS to the resolution of the Western Australian Planning Commission to introduce a new "Industrial Deferred" zone in order to facilitate future industrial development. This amendment, as depicted on Western Australian Planning Commission plan number 3.2554, is effective in the Greater Bunbury Region Scheme on and

from 2 April 2014. Provisions are to be introduced into the GBRS text to give effect to the Industrial Deferred Zone and associated planning requirements as follows—

**Planning and Development Act 2005**

GREATER BUNBURY REGION SCHEME AMENDMENT 2013

Approved by the Governor under section 53(2) of the Act.

**1. Citation**

This is the *Greater Bunbury Region Scheme Amendment 2013*.

**2. Commencement**

The commencement of this amendment is governed by section 56(3) of the Act.

**3. Scheme amended**

These amendments are to the *Greater Bunbury Region Scheme*.

**4. Clause 12 amended**

After clause 12(d) insert—

- (ea) Industrial Deferred—land suitable for future industrial development but where there are various planning, servicing and environmental requirements which need to be addressed before industrial development can take place;

**5. Clause 13 replaced**

Delete clause 13 and insert—

**13. Change of zone by resolution**

- (1) The Commission may, by resolution, transfer land—
  - (a) from the Urban Deferred zone to the Urban zone; or
  - (b) from the Industrial Deferred zone to the Industrial zone.
- (2) A resolution under subclause (1) takes effect—
  - (a) on the day on which notification of the resolution is published in the *Gazette* (**publication day**); or
  - (b) on a day after publication day that is specified in the resolution.

**6. Clause 48 amended**

In clause 48—

- (a) in paragraph (b) delete “Urban zone,” and insert: Urban zone; or
- (b) after paragraph (b) insert—
- (c) a decision of the Commission not to transfer land from the Industrial Deferred zone to the Industrial zone,

Accordingly, the amendment to the Greater Bunbury Region Scheme for land depicted on plan number 3.2554 and the associated textual amendment is effective from 2 April 2014.

TIM HILLYARD, Secretary,  
Western Australian Planning Commission.

PL409\*

**PLANNING AND DEVELOPMENT ACT 2005**

APPROVED LOCAL PLANNING SCHEME AMENDMENT

*City of Canning*

Town Planning Scheme No. 40—Amendment No. 199

Ref: TPS/1155

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 Canning local planning scheme amendment on 16 April 2014 for the purpose of modifying Appendix 5—Schedule of Additional Uses relating to ‘Additional Use No. 15’ for ‘Public Worship and Child Day Care Centre associated with Place of Public Worship’ to extend the boundary over the whole of Lot 10 (No. 5) Rangeview Place, Canning Vale, and modifying the Scheme Map of Town Planning Scheme No. 40 as shown on the Scheme Amendment Map.

L. REYNOLDS, Commissioner.  
L. RUSSELL, Chief Executive Officer.

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**PREMIER AND CABINET**

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**PR401****INTERPRETATION ACT 1984**  
**MINISTERIAL ACTING ARRANGEMENTS**

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

Hon J. H. D. Day MLA to act temporarily in the office of Minister for Environment; Heritage in the absence of the Hon A. P. Jacob MLA for the period 14 to 25 July 2014 (both dates inclusive).

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

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**PR402****INTERPRETATION ACT 1984**  
**MINISTERIAL ACTING ARRANGEMENTS**

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

Hon D. T. Redman MLA to act temporarily in the office of Minister for Water; Forestry in the absence of the Hon M. J. Davies MLA for the period 14 to 20 July 2014 (both dates inclusive).

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

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**PR403****INTERPRETATION ACT 1984**  
**MINISTERIAL ACTING ARRANGEMENTS**

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

Hon J. H. D. Day MLA to act temporarily in the office of Minister for Education; Aboriginal Affairs; Electoral Affairs in the absence of the Hon P. C. Collier MLC for the period 5 to 13 July 2014 (both dates inclusive).

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

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**PR404****INTERPRETATION ACT 1984**  
**MINISTERIAL ACTING ARRANGEMENTS**

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

Hon T. K. Waldron MLA to act temporarily in the office of Minister for Regional Development; Lands; Minister Assisting the Minister for State Development in the absence of the Hon D. T. Redman MLA for the period 28 May to 6 June 2014 (both dates inclusive).

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

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## DECEASED ESTATES

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ZX401

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

## Notice to Creditors and Claimants

Wisnom Nelson, late of 16 Macquarie Drive, Placid Waters in the State of Western Australia, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates) in respect of the estate of the deceased, who died on 27 March 2014, are required by the personal representative to send particulars of their claims to her care of Clement & Co, Lawyers, Unit 2, 12 Sutton Street, Mandurah by 16 June 2014, after which date the personal representative may convey or distribute the assets having regard to the claims of which she then has notice.

CLEMENT & CO, as solicitors for the personal representative.

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ZX402

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

## Notice to Creditors and Claimants

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962* relates) in respect of the estate of the undermentioned deceased persons are required by the personal representatives of the estates of care of Culshaw Miller Lawyers, Level 1, 16 St George's Terrace, Perth, Western Australia to send particulars of their claims to them by the 11th of June, 2014 after which date the personal representatives may convey or distribute the assets having regard only to the claims of which they then have notice.

Bitmead	Cameron Allan Keith late of 35 Douglas Avenue, Yokine, Western Australia. Died on 3 January, 2008
Leo	Eileen Clarice late of Bethanie Warwick Nursing Home, 98 Ellersdale Avenue, Warwick, Western Australia. Died on 10 July, 2013
Collis	Ralph late of Meath Care, 18 Hocking Road, Kingsley, Western Australia. Died on 4 August, 2013

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## PUBLIC NOTICES

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ZZ401\*

**DISPOSAL OF UNCOLLECTED GOODS ACT 1970**

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

TO: Ronald Mason of 283 Vincent Street, Leederville WA 6007, Bailor.

1. You were given notice on 6th of January 2013 that the following goods—

- (1) 2 48 ft sea containers; and
- (2) a 6 x 3.4 m portable building hut,

situated at 7 South West Highway, Byford in the State of Western Australia were ready for redelivery.

2. A dispute relating to the goods will be determined on 25 June 2014.

3. Unless not more than one month after the date of the giving of this notice you either take redelivery of the goods or give directions for their redelivery, Oakcrest Nominees Pty Ltd trading as Gavin Transport of Unit 1, 163 Canning Highway, East Fremantle in the State of Western Australia, bailee, intends to continue with the application to the Court for an order to sell or otherwise dispose of the goods in accordance with the Act and the application will be heard on 25 June 2014.

Dated: 5 May 2014.

EAMONN GEORGE GAVIN, for the Bailee.

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Government of **Western Australia**  
Department of the **Premier and Cabinet**  
**State Law Publisher**



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