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# — PART 1 —

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## ENERGY

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EN301\*

Electricity Industry Act 2004

### Electricity Industry Exemption Amendment Order (No. 3) 2015

Made by the Governor in Executive Council under section 8 of the Act.

**1. Citation**

This order is the *Electricity Industry Exemption Amendment Order (No. 3) 2015*.

**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. Order amended**

This order amends the *Electricity Industry Exemption Order 2005*.

**4. Clause 21 amended**

In clause 21(4) delete the passage that begins with “3 years” and continues to the end of the subclause and insert:

on 30 June 2018.

R. KENNEDY, Clerk of the Executive Council.

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EN302\*

Gas Services Information Act 2012

## Gas Services Information Amendment Regulations 2015

Made by the Governor in Executive Council.

### 1. Citation

These regulations are the *Gas Services Information Amendment Regulations 2015*.

### 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 *Gas Services Information Regulations 2012*.

### 4. Schedule 1 amended

In Schedule 1 after the row relating to rule 115(3) insert:

r. 115A(3)    A                    \$10 000 plus a daily amount of \$2 000

R. KENNEDY, Clerk of the Executive Council.

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## — PART 2 —

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### AGRICULTURE AND FOOD

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AG401\*

#### SOIL AND LAND CONSERVATION ACT 1945

#### LAKE GRACE LAND CONSERVATION DISTRICT (APPOINTMENT OF MEMBERS OF DISTRICT COMMITTEE) INSTRUMENT 2015

Made by the Commissioner of Soil and Land Conservation.

#### 1. Citation

This Instrument may be cited as the *Lake Grace Land Conservation District (Appointment of Members) Instrument 2015*.

#### 2. Appointment of members

Under section 23(2b) of the Act and clause 5(1) of the *Soil and Land Conservation (Lake Grace Land Conservation District) Order 2001\**, the following members are appointed to the land conservation district committee for the Lake Grace Land Conservation District—

- (a) on the nomination of the Shire of Lake Grace : Cr Allan Douglas Marshall of Lake Grace;
- (b) to represent the Western Australia Farmers Federation (Inc) : Paula Carruthers; and
- (c) as persons actively engaged in, or affected by or associated with, land use in the district—
  - (i) Mary Naisbitt of Lake Grace
  - (ii) Nanette Wallace of Lake Grace
  - (iii) Debrah Susan Clarke of Lake Grace
  - (iv) Ron Lay of Lake Grace
  - (v) Kerrie Argent of Lake Grace

(\*Published in the *Gazette* of 27 February 2001, page 1212)

#### 3. Term of Office

Members appointed to the committee under this instrument will hold office for a term expiring on 4 September 2018.

ANDREW WATSON, Commissioner of Soil and Land Conservation.

Dated this 3rd day of September 2015.

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### COMMERCE

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CM401

#### ARCHITECTS ACT 2004

#### ELECTED MEMBER

Architects Board of Western Australia

The Architects Board of WA (Board) recently called for nominations for election of one Board member in accordance with the *Architects Act 2004*. After having examined and counted the voting papers returned by architects in the State of Western Australia, the Board has declared Ante Zubac to be elected for the term 31 August 2015 to 30 June 2016.

LISA EDWARDS, Registrar.

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**ENERGY**

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EN401\*

**ELECTRICITY INDUSTRY ACT 2004**

## NOTICE UNDER SECTION 23 (1) NOTICE OF DECISIONS

Notice is given that the following Electricity Retail Licence has been amended—

Licensee:	AER Retail Pty Ltd ABN 55 160 019 983
Classification:	Electricity Retail Licence (ERL18, Version 4)
Date of Amended:	3 September 2015
Term of Licence:	Up to and including 20 November 2027
Licence Area:	The licence area is the area as set out in plan <b>ERA-EL-130</b> in the State of Western Australia
Amendment:	Amendment of electricity retail licence ERL18 to authorise supply of electricity to small use business customers
Inspection of Licence:	Economic Regulation Authority 4th Floor, Albert Facey House 469 Wellington Street PERTH WA 6000 <a href="http://www.erawa.com.au">http://www.erawa.com.au</a>

Dr STEPHEN KING, Chairman,  
Economic Regulation Authority.

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**ENVIRONMENT**

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EV401

**SWAN AND CANNING RIVERS MANAGEMENT ACT 2006**

## SWAN CANNING RIVERPARK MOORING MANAGEMENT PROGRAM 2015

1. In accordance with Section 63 (1) of the *Swan and Canning Rivers Management Act 2006* (the Act) notice is hereby given that I, the Hon Albert Jacob MLA, Minister for Environment, have approved the *Swan Canning Riverpark Mooring Management Program 2015*.
2. The *Swan Canning Riverpark Mooring Management Program 2015* was prepared under section 55 of the Act.
3. No modifications to the *Swan Canning Riverpark Mooring Management Program 2015* have been made under Section 61 of the Act.
4. A copy of the *Swan Canning Riverpark Mooring Management Program 2015* may be obtained during office hours from the Department of Parks and Wildlife Swan Region Office at No. 2 Australia II Drive and Hackett Drive, Crawley WA 6009 or at the Department of Transport Marine Operations at 14 Capo D'Orlando Drive, South Fremantle WA 6162. An electronic copy can be viewed on the Department of Parks and Wildlife Western Australia website, [www.dpaw.com.au](http://www.dpaw.com.au) - <http://www.swanrivertrust.wa.gov.au/> or the Department of Transport website <http://www.transport.wa.gov.au>

ALBERT JACOBS MLA, Minister for Environment; Heritage.

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**HEALTH**

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HE401\*

**MENTAL HEALTH ACT 1996**

## MENTAL HEALTH (AUTHORISED MEDICAL PRACTITIONERS) ORDER (NO. 4) 2015

Made by the Chief Psychiatrist under sections 18 and 69 of the *Mental Health Act 1996*.**1. Citation**This order may be cited as the *Mental Health (Authorised Medical Practitioners) Order (No. 4) 2015*.

**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) clause 3—on the day after that day.

**3. Authorised Medical Practitioner**

The medical practitioners specified in Schedule 1 to this order are designated as Authorised Medical Practitioners.

**Schedule 1**

Dr Radha Balan	Registered Medical Practitioner
Dr Jeremy Bennet	Registered Medical Practitioner
Dr Koorush Kalani	Registered Medical Practitioner
Dr Louise Mathews	Registered Medical Practitioner
Dr Jonathan Jiadin Tan	Registered Medical Practitioner

Dr NATHAN GIBSON, Chief Psychiatrist.

Date: 4 September 2015.

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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 Charles Burr of Menora

Mr Kevin Melville Ma'har of Madeley

from the Office of Justice of the Peace for the State of Western Australia.

MICHAEL JOHNSON, A/Executive Director,  
Court and Tribunal Services.

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## LOCAL GOVERNMENT

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LG501\*

### BUSH FIRES ACT 1954

*City of Kalgoorlie-Boulder*

#### FIREBREAK NOTICE 2015/2016

Notice to all owners and/or occupiers of land

As a measure to assist in the control of bush fires, and to prevent the spread or extension of a bush fire which may occur, all owners and/or occupiers of land within the City of Kalgoorlie-Boulder district are required before the 1st day in October each year, or within 14 days of becoming the owner or occupier of land if after that date, to clear firebreaks or take measures in accordance with this notice and maintain those firebreaks and measures up to and including the 31st day of May in the following year.

**Interpretation**

“**Act**” means the *Bush Fires Act 1954*;

“**Authorised Person**” means a person authorised in accordance with S.9.10 of the *Local Government Act 1995* by the City of Kalgoorlie-Boulder.

“**City**” means the City of Kalgoorlie-Boulder.

“**Flammable Matter**” includes all form of vegetation both living and dead, and any other flammable materials and combustible matter;

**“Firebreak”** means ground which is cleared to a mineral earth standard in which all flammable material (which includes vegetation and with all overhanging branches, trees, limbs, etc to be trimmed back clear of the Firebreak area) has been removed and on which no flammable material (which includes vegetation) is permitted during the Firebreak period and the Firebreak must be the required width.

**“Firebreak Period”** means the time from 1 October in any year until 31 May in the year following;

**“Trafficable”** means able to be driven around, unhindered, in a standard four-wheel drive vehicle.

### General Requirements

All owners and/or occupiers of land within the district of the City of Kalgoorlie-Boulder must clear all flammable matter from the land in accordance with the following requirements—

**Land which is 5,000m<sup>2</sup> and under in area**, shall be required to follow the general fire hazard reduction measures as stated in this notice.

**Land which is 5,001m<sup>2</sup> and above in area**, shall have a trafficable firebreak three (3) metres in width cleared immediately inside all external boundaries of the land to mineral earth or to the satisfaction of an authorised person.

### General Fire Hazard Reduction Measures

All owners/occupiers are required to reduce fire hazards on their property as far as reasonably practicable over the entire area of land. This can be achieved by clearing all “flammable matter” to a height of no more than 50mm, or to the satisfaction of an authorised person and all clearing must be done in accordance with the Act. Fire Hazard Reduction Orders will be issued where owners/occupiers have failed to reduce fire hazards on their property to a satisfactory state in the opinion of an authorised person.

### Amendments to the above requirements

If an owner or occupier of land within the district of the City of Kalgoorlie-Boulder is unable to comply with the requirements of this notice, that owner or occupier may request in writing to the City, to undertake alternative measures to enable compliance with this notice in the opinion of an authorised person.

The following are the Burning Periods for Kalgoorlie-Boulder District—

**Firebreaks/Reduction Measures**—Must be installed by 1 October and remain until 31 May in the following year.

**Prohibited Period**—All Burning is prohibited between 1 November to 31 March in the following year.

**Restricted Period**—Permits are required between 1 April to 31 May and 1 October to 31 October each year.

**No permit required Period**—Burning off does not require a permit however restrictions still apply 1 May to 30 September each year.

The following restrictions apply at all times throughout the year—

No burning off on Sunday or Public Holidays.

No burning off of garden waste, refuse or offensive materials at any time.

No Burning off contrary to the provisions of the City’s Health Local Law.

Authorised burning off will only be undertaken between the hours of 6:00 pm and 11:00 pm.

All neighbouring property occupiers must be informed of the burning off before commencement.

An Authorised Person must be informed of the burning off before commencement.

Local Fire Station Officers must be informed of the burning off before commencement.

### Compliance

(1) In addition to the requirements of this notice, further works which are considered necessary by an authorised person may be required as specified in writing in a subsequent notice addressed to the land owner as recorded by the City.

(2) Where the owner or occupier of the land fails or neglects to comply with the requirements of this notice or a subsequent notice addressed to the land owner, an authorised person may enter onto and upon the land with any workmen, contractors, vehicles and machinery as required to carry out the requisitions of the notice at the expense of the land owner. Where the City is required to act in default, the land will be cleared in accordance with this notice or at the discretion of an authorised person.

(3) Failure to comply with this notice and subsequent written notices may result in penalties being issued or court action and the liability for any costs incurred by the City in relation to works undertaken on behalf of the land owner.

R. J. RADOSEVICH, Acting Chief Executive Officer.

Dated: 1 September 2015.



LG502\*

**BUSH FIRES ACT 1954***City of Melville***FIRE BREAK NOTICE 2015/2016**

Notice to all owners and/or occupiers of land

Pursuant to the powers contained in Section 33 of the above Act, you are hereby required on or before the 15th day of November 2015 or within 14 days of the date of you becoming the owner or occupier, should this be after the 15th day of November 2015 and thereafter up to and including the 30th day of April 2016 to clear flammable matter from that land in accordance with the following requirements—

- A As to land which is 1,500 square metres or less in area, or which is zoned “residential” to clear all flammable matter from the whole of the land except living trees, shrubs and plants under cultivation and lawns.
- B As to all other land within the district the owner or occupier shall—
- (i) Clear firebreaks of a minimum width of three (3) metres inside all external boundaries of the land; and
  - (ii) Clear firebreaks of a minimum width of five (5) metres around all buildings situated on the land; and
  - (iii) Where that area of land exceeds ten (10) hectares, clear firebreaks of a minimum width of five (5) metres so as to ensure that no area of land within the firebreaks exceeds ten hectares in land; and
  - (iv) In any event, clear the firebreaks to the satisfaction of Council’s duly authorised officer.

If for any reason an owner or occupier considers it to be impracticable to clear firebreaks or comply with other fire protection measures in accordance with this requirement, the owner or occupier may apply in writing to the Council’s duly authorised officer no later than 31 October 2015 for an exemption or partial exemption from compliance with the requirement of this notice.

The penalty for failing to comply with this notice is a fine of not more than \$5,000 and a person in default is also liable, whether prosecuted or not, to pay the cost of performing the work directed in this notice if it is not carried out by the owner or occupier by the date required by this notice.

SHAYNE SILCOX, Chief Executive Officer.

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**MARINE/MARITIME**

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MA401\*

**WESTERN AUSTRALIAN MARINE ACT 1982****NAVIGABLE WATERS REGULATIONS 1958**

## SWIMMING PROHIBITED AREA

Mangles Bay Jet Ski Area

Mangles Bay, Rockingham

*City of Rockingham*Department of Transport,  
Fremantle WA, 8 September 2015.

Acting pursuant to the powers conferred by Regulation 10A(b) of the *Navigable Waters Regulations 1958*, the department hereby prohibits swimming in the following area of water between 6:30am to 5:30pm on 13 September 2015—

All those waters of Mangles Bay contained by lines commencing at 32°16.411'S, 115°41.925'E (on the foreshore east of the Garden Island Causeway); thence to 32°16.100'S, 115°42.018'E (approximately 590 metres along a line 45 metres offset from the edge of the causeway); thence to 32°16.101'S, 115°42.178'E (approximately 250 metres east); thence to 32°16.451'S, 115°42.066'E (on the foreshore approximately 670 metres south-south-west). All coordinates based on GDA 94.

This area is set aside for the Jet Sport West Racing 1st round.

CHRISTOPHER J. MATHER, Director of Waterways Safety Management,  
Department of Transport.

MA402\*

**WESTERN AUSTRALIAN MARINE ACT 1982**  
**NAVIGABLE WATERS REGULATIONS 1958**  
**DECLARATION AND EXEMPTION OF EMERGENCY VESSELS**  
 Western Australian Government Agencies  
 (NWR—2015—200804)

I, Raymond Buchholz, Marine Safety General Manager, Department of Transport and delegate of the chief executive officer, acting pursuant to regulation 19H of the *Navigable Waters Regulations 1958* (the Regulations) and section 115A of the *Western Australian Marine Act 1982* (the Act), hereby declare each of the vessels listed in Schedule 1 to be an emergency vessel, and in regard to these vessels or their drivers, hereby grant exemptions and specify conditions as detailed in Schedule 2.

This instrument is to be identified as NWR-2015-200804 and revokes the previous instrument NWR-2014-200231, dated 24 September 2014.

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

Dated: 3 September 2015.

Schedule 1

Agency	Vessel Name	Unique Vessel Identifier
Department of Transport, Marine Safety	PV2	06255
Department of Transport, Marine Safety	PV3	07072
Department of Transport, Marine Safety	PV4	06296
Department of Transport, Marine Safety	PV5	06096
Department of Transport, Marine Safety	PV6	06683
Department of Transport, Marine Safety	PV7	06355
Department of Transport, Marine Safety	PV8	07044
Department of Transport, Marine Safety	PV9	06241
Department of Transport, Marine Safety	PV10	05107
Department of Transport, Marine Safety	PV11	08788
Department of Transport, Marine Safety	PV12	05262
Department of Transport, Marine Safety	PV14	06826
Department of Transport, Marine Safety	PV15	06825
Department of Transport, Marine Safety	PV16	08460
Department of Transport, Marine Safety	PV17	06956
Department of Transport, Marine Safety	PV18	08110
Department of Transport, Marine Safety	PV20	04437
Department of Transport, Coastal Infrastructure	Alec Hansen III	05562
Department of Transport, Coastal Infrastructure	Profiler II	09161
Department of Transport, Coastal Infrastructure	Harbour 1	07059
Department of Fisheries	Walcott	04752
Department of Fisheries	FD5	06499
Department of Fisheries	FD7	06184
Department of Fisheries	FD9	05632
Department of Fisheries	FD12	06602
Department of Fisheries	FD23	08508
Department of Fisheries	FD26	06498
Department of Fisheries	FD41	05665
Department of Fisheries	FD50	06385
Rottneest Island Authority	Ranger 1	06501
Rottneest Island Authority	Marine II	06183
Department of Parks and Wildlife	Pseudorca III	06412
Department of Parks and Wildlife	Lakela	06414
Department of Parks and Wildlife	DECV09	06598
Department of Parks and Wildlife	WORNDOOM	027013

Agency	Vessel Name	Unique Vessel Identifier
Department of Parks and Wildlife	Osprey	08182
Department of Parks and Wildlife	Sirenia III	06404
Department of Parks and Wildlife	Pandion	06413
Department of Parks and Wildlife	Jangabarri	06685
Department of Parks and Wildlife	Joonwinyin	06881
Department of Parks and Wildlife	Murlanda	06952
Department of Parks and Wildlife	Eclipse	06601
Department of Parks and Wildlife	Kgaiup Spirit	06332
Department of Parks and Wildlife	Cetea	06500
Department of Parks and Wildlife	Squalus	08875
Department of Parks and Wildlife	Walgine	09247
Department of Parks and Wildlife	Sousa	06525
Department of Parks and Wildlife	Booneenboro	06827
Department of Parks and Wildlife	Marli	08315
Police Department	“Delphinus” TW150	03621
Police Department	Aux to “Delphinus” TW155	06455
Police Department	Cygnets V	07002
Police Department	TW151	06353
Police Department	TW152	06443
Police Department	TW153	08226
Police Department	TW154	06255
Police Department	TW170	09080
Police Department	TW171	08632
Police Department TRG	QO390	06654
Police Department TRG	QO391	06254

## Schedule 2

### Exemptions

1. Pursuant to regulation 19H(2)(b) of the Regulations, the person driving a vessel listed in Schedule 1 is exempt from the following provisions of the Regulations—

- a. Regulation 19A (Speed limit in Swan and Canning Rivers); and
- b. Regulation 48 (Limitation of speed).

2. Pursuant to section 115A of the Act, the person driving a vessel listed in Schedule 1 is also exempt from notices made under the following sections of the Act—

- a. Section 66 (Closure of navigable waters); and
- b. Section 67, (Limiting speed of vessels).

### Conditions

3. Pursuant to both regulation 19H of the Regulations and section 115A of the Act, the exemptions listed above apply if and only if—

- a. the vessel is—
  - i. deployed in relation to an identified emergency (sea search and rescue or other situations where serious injury and/or loss of life can either be reasonably expected or has been reported to the vessel); or
  - ii. being used in connection with compliance monitoring and enforcement of legislation administered by the Department of Transport or WA Police, and is being driven by—
    - (a) an inspector or authorised person appointed under section 117 of the Act; or
    - (b) a Police Officer;
- b. it is reasonable that the relevant provisions should not apply; and
- c. the driver of the vessel—
  - i. is suitably experienced in high speed emergency response and holds, as a minimum, a Certificate of Competency Coxswain Grade 2; and
  - ii. in all circumstances, takes reasonable care.

### Declaration Specification

4. Pursuant to regulation 19H(2)(c) of the Regulations, each of the vessels listed in Schedule 1 is permitted to use a lamp displaying intermittent blue flashes, if and only if, the condition listed above at paragraph 3.a is met.

MA403\*

**WESTERN AUSTRALIAN MARINE ACT 1982**  
**NAVIGABLE WATERS REGULATIONS 1958**  
**DECLARATION AND EXEMPTION OF EMERGENCY VESSELS**  
 Volunteer Organisations  
 (NWR-2015-200819)

I, Raymond Buchholz, Marine Safety General Manager, Department of Transport and delegate of the chief executive officer, acting pursuant to regulation 19H of the *Navigable Waters Regulations 1958* (the Regulations) and section 115A of the *Western Australian Marine Act 1982* (the Act), hereby declare each of the vessels listed in Schedule 1 to be an emergency vessel, and in regard to these vessels or their drivers, hereby grant exemptions and specify conditions as detailed in Schedule 2.

This instrument is to be identified as NWR-2015-200819 and it revokes the previous instrument NWR-2013-00895.

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

Dated: 3 September 2015.

**Schedule 1**

<b>Rescue Group / Agency</b>	<b>Vessel Name</b>	<b>Unique Vessel Identifier</b>
Albany Sea Rescue Squad	Rescue 1	08686
Albany Sea Rescue Squad	Rescue 2	08684
Albany Sea Rescue Squad	Rescue 3	08687
Augusta Volunteer Sea Rescue Group	R.V. Ryal	08688
Bassendean SES	Flood 1	AJ454
Belmont SES	Citybel	AP437
Bremer Bay Volunteer Marine Rescue	Rescue 1	09834
Broome Volunteer Sea Rescue Group	Redbill II	08692
Broome Volunteer Sea Rescue Group	sea legs	09286
Busselton Volunteer Marine Rescue Group	BJ Lucy	08707
Busselton Volunteer Marine Rescue Group	Cheryll K	08704
Bunbury Sea Rescue	Spirit of Bunbury III	0693
Bunbury Sea Rescue	Captain Bob Allsop	08695
Carnarvon Volunteer Sea Rescue Group	Rescue 1	08709
Carnarvon Volunteer Sea Rescue Group	Lady Daph	08708
Canning SES	04	BL264
Cockburn Sea Rescue	Avail 4	EC126
Cockburn Sea Rescue	Woodmans 01	BR296
Coral Bay Sea Rescue		08710
Denmark Sea Rescue Group		08713
Derby Volunteer Marine Rescue Group	RV Volunteer	08716
Esperance Sea Search & Rescue Group	Volunteer II	BH200
Esperance Sea Search & Rescue Group	Volunteer III	08720
Exmouth Volunteer Sea Rescue Group	Ningaloo Endeavour	08721
Fremantle Sea Rescue	R 100	DE424
Fremantle Sea Rescue	Reliant	BD067
Fremantle Sea Rescue	Vigilant	DS661
Fremantle Sea Rescue	Gemini 1	EF505
Geraldton Volunteer Sea Rescue Group	Nashira	08725
Hopetoun Volunteer Sea Rescue Group	Mary Ann	08727
Jurien Bay Volunteer Sea Rescue Group	Crikey	08732
Kalbarri Water Rescue Group	Spirit of Kalbarri	09033
Lancelin Sea Search & Rescue Group	Volunteer Spirit	08736
Leeman Volunteer Sea Rescue Group	The Abe-Lee	08739
Mandurah Water Rescue Group	The Duck	08883
Mandurah Water Rescue Group	Spirit of Mandurah	08742
Mandurah Water Rescue Group	Charles B	08741
Margaret River Volunteer Sea Rescue Group	RV Brems	08698
Naturaliste Volunteer Sea Rescue Group	Austin T	08734

Rescue Group / Agency	Vessel Name	Unique Vessel Identifier
Naturaliste Volunteer Sea Rescue Group	Valarie June	08717
Onslow Volunteer Marine Rescue Group		08754
Peaceful Bay Sea Rescue Group	Scorpien	08756
Peaceful Bay Sea Rescue Group	Irwin	08757
Port Denison Volunteer Sea Rescue Group	Rescue 1	08758
Port Hedland Sea Rescue	Iron Pride	08759
Port Walcott Sea Search and Rescue Group	Pilbara Seeker III	08761
Rockingham Volunteer Sea Rescue Group	Jaimee lee	08763
Rockingham Volunteer Sea Rescue Group	Cape Peron	09035
Two Rocks Volunteer Sea Rescue Group	Sea Guardian II	08770
Two Rocks Volunteer Sea Rescue Group	Guardian I	08769
Shark Bay Volunteer Marine Rescue	Tamala Rose	08768
VMRWA	Tom Reid	DW342
VMRWA	Sardam	ES311
Walpole Sea Search and Rescue Group	Harlequin	08771
West Pilbara Volunteer Sea Search and Rescue	North West Shelf Venturer	08773
Whitfords Sea Rescue	Stacey Hall	DG188
Whitfords Sea Rescue	City of Joondalup	EG421
Windy Harbour Volunteer Marine Rescue	Aurora	08778
Wyndham Sea Rescue	Veronica Ryan	08719

## Schedule 2

### Exemptions

1. Pursuant to regulation 19H(2)(b) of the Regulations, the person driving a vessel listed in Schedule 1 is exempt from the following provisions of the Regulations—
  - a. Regulation 19A (Speed limit in Swan and Canning Rivers); and
  - b. Regulation 48 (Limitation of speed).
2. Pursuant to section 115A of the Act, the person driving a vessel listed in Schedule 1 is also exempt from notices made under the following sections of the Act—
  - a. Section 66 (Closure of navigable waters); and
  - b. Section 67 (Limiting speed of vessels).

### Conditions

3. Pursuant to both regulation 19H of the Regulations and section 115A of the Act, the exemptions listed above apply if, and only if—
  - a. The vessel is deployed in relation to an identified emergency (sea search and rescue or other situations where serious injury and/or loss of life can either be reasonably expected or has been reported to the vessel);
  - b. the driver of the vessel is suitably experienced in high speed emergency response and holds, as a minimum, a Recreational Skippers Ticket;
  - c. the vessel master and crew comply with any directions issued by officers of the Western Australia Police, and Department of Transport Marine Inspectors appointed pursuant to section 117 of the Act, including by providing timely and accurate information and situation reports as requested;
  - d. the driver of the vessel, whilst acting in the course of their duties, is responding to an emergency in which they reasonably believe that it is both necessary and safe to do so; and
  - e. authorisation to exceed speed limits and enter closed waters is obtained from a Western Australia Police officer, including a Marine Communications Officer employed by the Western Australia Water Police. This condition does not apply when extraordinary circumstances inhibit the gaining of the authorisation in a timely manner. In these circumstances authorisation must still be gained as soon as is practicable.

### Declaration Specification

4. Pursuant to regulation 19H(2)(c) of the Regulations, each of the vessels listed in Schedule 1 is permitted to use a lamp displaying intermittent blue flashes in the following circumstances if, and only if—
  - a. the vessel is deployed in relation to an identified emergency (sea search and rescue or other situations where serious injury and/or loss of life can either be reasonably expected or has been reported to the vessel); and
  - b. the use of the blue light has been authorised by a Western Australia Police officer. This condition does not apply when extraordinary circumstances inhibit the gaining of the authorisation in a timely manner. In these circumstances authorisation must still be gained as soon as is practicable.

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## MINERALS AND PETROLEUM

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MP401\*

**PETROLEUM AND GEOTHERMAL ENERGY RESOURCES ACT 1967**  
**CANCELLATION OF PETROLEUM EXPLORATION PERMIT EP 467**

The cancellation of petroleum exploration permit EP 467, held by ERM Gas Pty Ltd, will take effect on the date this notice appears in the *Government Gazette*.

DENIS WILLS, Acting Executive Director,  
 Petroleum Division, Department of Mines and Petroleum.

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## PLANNING

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PL401\*

**PLANNING AND DEVELOPMENT ACT 2005**  
**LOCAL PLANNING SCHEME AVAILABLE FOR INSPECTION**  
*Shire of Wongan-Ballidu*  
 Local Planning Scheme No. 5

Ref: TPS/0056

Notice is hereby given that the local government of the Shire of Wongan-Ballidu has prepared the abovementioned local planning scheme for the purpose of—

Local Planning Scheme

1. setting out the local government's planning aims and intentions for the scheme area;
2. setting aside land as reserves for public purposes;
3. zoning land within the scheme area for the purposes defined in the scheme;
4. controlling and guiding land use and development;
5. setting out procedures for the assessment and determination of planning applications;
6. making provision for the administration and enforcement of the scheme; and
7. addressing other matters contained in the First Schedule to the Town Planning Act.

Plans and documents setting out and explaining the local planning scheme have been deposited at Council Offices, Cnr Quinlan Street and Elphin Crescent Wongan Hills and at the Western Australian Planning Commission, 140 William Street, Perth, and will be available for inspection during office hours up to and including 7 December 2015.

Submissions on the local planning scheme may be made in writing on Form No. 4 and lodged with the undersigned on or before 7 December 2015.

S. TAYLOR, Chief Executive Officer.

PL402\*

**PLANNING AND DEVELOPMENT ACT 2005**  
**STATE PLANNING POLICY NO. 5.2**  
**TELECOMMUNICATIONS INFRASTRUCTURE**

August 2015

Prepared under Part Three of the *Planning and Development Act 2005* by  
 the Western Australian Planning Commission

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## 1. Citation

This is a State Planning Policy prepared under Part 3 of the *Planning and Development Act 2005*. This policy may be cited as *State Planning Policy 5.2: Telecommunications Infrastructure Policy*.

After this policy has been gazetted, Statement of Planning Policy 5.2 Telecommunications Infrastructure (2004) will be repealed.

## 2. Policy Intent

Installation of telecommunications network infrastructure usually involves the development of land and/or alteration to the appearance of buildings or structures, which may have visual impacts. This planning policy aims to balance the need for effective telecommunications services and effective roll-out of networks, with the community interest in protecting the visual character of local areas. Using a set of land use planning policy measures, the policy intends to provide clear guidance pertaining to the siting, location and design of telecommunications infrastructure.

## 3. Background

Adequate and reliable telecommunications are essential for all aspects of contemporary community life, from supporting the State's economy to creating and maintaining connected and cohesive social networks. Contact between emergency services and the community increasingly relies on the telecommunications networks.

The importance of telecommunications services in Western Australia is recognised in the Western Australian Planning Commission's (WAPC's) *State Planning Strategy 2050* (2014), which advocates for the provision of an effective state-wide telecommunications network. This network includes both above and below ground infrastructure to support both fixed line and wireless telecommunications.

### 3.1. Electromagnetic Emissions (EME)

The use of mobile telephones has raised public concern about possible health issues associated with exposure to electromagnetic emissions. However, telecommunications carriers must comply with the Australian Communications and Media Authority (ACMA) *Radiocommunications Licence Conditions (Apparatus Licence) Determination 2003*. These licence conditions make mandatory the limits in the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) *Radiofrequency (RF) Standard* which sets limits for human exposure to RF electromagnetic fields from all sources, including telecommunications infrastructure. ARPANSA is the primary Commonwealth agency responsible for protecting the health and safety of people and the environment from the harmful effects of radiation.

Measurement surveys undertaken by ARPANSA demonstrate that environmental radiofrequency levels near base stations for the mobile telephone network are extremely low. The ARPANSA surveys reported that typical exposures to radiofrequency fields were well below one per cent of the Standard's public exposure limits. It concluded that "*given the very low levels recorded and the relatively low power of these types of transmitters, it is unlikely that the radiofrequency radiation from base stations would cause any adverse health effects, based on current medical research*".

Standards set by ARPANSA incorporate substantial safety margins to address human health and safety matters; therefore it is not within the scope of this Policy to address health and safety matters. Based on ARPANSA's findings, setback distances for telecommunications infrastructure are not to be set out in local planning schemes or local planning policies to address health or safety standards for human exposure to electromagnetic emissions.

### 3.2. Where this policy applies

This policy applies throughout Western Australia in respect to above and below ground telecommunications infrastructure other than those facilities exempted under the Commonwealth *Telecommunications Act 1997* (Telecommunications Act). (See Section 3.5 Policy Exemptions for further information)

All other facilities constitute 'development' under the *Planning and Development Act 2005* and development approval may be required from the relevant planning authority. Separate approval may also be required from other government agencies under other legislation.

### 3.3. Above ground telecommunications infrastructure

For the purposes of this policy, above ground telecommunications infrastructure refers to any line, equipment, apparatus, tower, antenna or any other structure that is visible above ground level.

#### 3.3.1. Mobile telephone networks

Mobile telephone networks operate through base stations, which incorporate a radio transmitter, a receiver and an antenna. Base stations provide coverage to a geographic area known as a 'cell', which may vary in size but generally has a radius of up to 10 kilometres. Each cell has its own transceiver which sends and receives radio signals throughout its specified zone.

The location of new mobile telephone base stations needs to be carefully considered in relation to existing base stations, to ensure that the network functions effectively. Mobile telephone antennas generally need to be mounted clear of surrounding obstructions like trees and buildings to avoid loss of reception and to allow each mobile telephone base station to cover its intended cell with minimum transmitter power. They must also be sited where they will not interfere with neighbouring cells. The more base stations of a particular carrier there are in an area, the smaller the cells, which means the power and energy levels of each station are generally lower. In areas of high mobile use there are many small cells to meet traffic demands, maintaining service quality and capacity. Antennas do not need to be very high and can be installed on building roofs or small poles. If additional base stations are needed in areas where mobile network coverage already exists, demand may be met by adding more panels to existing towers, or by constructing new towers. In areas of low mobile use, the cells are larger and the antennae are mounted on taller masts and towers.

As telecommunications networks expand due to increasing demand for mobile telephone and data services, the location, siting and design of proposed facilities becomes critical.

### 3.3.2. National Broadband Network fixed wireless broadband towers

National Broadband Network (NBN) fixed wireless broadband towers are usually bigger than mobile phone towers, and are more likely to be required in metropolitan fringe and regional areas.

Fixed wireless technology can transmit data at broadband speeds using radio signals instead of cables. This technology uses fixed transmission towers or base stations to communicate 'over the air' with the NBN installed equipment within the home or business. Line of sight from the tower to the equipment at the home or business is essential. Western Australia is a vast state with complex geography and fixed wireless technology enables access to NBN services in locations that are difficult or not cost effective to reach with fixed line technology.

### 3.3.3. Amateur radio equipment

The amateur service is designed primarily to facilitate hobby radio communications and for technical experimentation and operates on specified frequency bands. Amateur radio operators communicate using transmission modes including, but not limited to, Morse code, telephony and data.

Anyone can listen to the amateur bands using a receiver, but to transmit, operator qualifications and a licence issued by the Australian Communications and Media Association (ACMA) are required.

An amateur apparatus licence is issued to authorise a station that—

- (a) is operated for the purposes of self-training in radio communications; intercommunication using radio communications; and technical investigation into radio communications by persons who do so solely with a personal aim, and who have no pecuniary interest in the outcome of the operations of the station;
- (b) is operated on amateur frequencies or amateur frequency bands; and
- (c) may participate in the amateur-satellite service.

### 3.4. Below ground telecommunications infrastructure

For the purposes of this policy, below ground infrastructure refers to pit and pipe infrastructure used to house fixed line (fibre, Hybrid Fibre Coaxial, copper) to carry voice and data services.

In accordance with the Fibre Deployment Amendment 2011 to the Telecommunications Act, developers that are corporations are required to provide fibre-ready pit and pipe infrastructure to new developments that are within the National Broadband Network Corporations' (NBN Co) fibre footprint.

Developers of all new developments are encouraged to engage with a telecommunications carrier to ensure that pit and pipe infrastructure complies with industry specifications or any standards set by the ACMA.

### 3.5. Policy exemptions

Some telecommunications facilities are exempted from development approval under the Telecommunications Act.

Schedule 3 of the Telecommunications Act and related subordinate legislation provides telecommunications carriers with powers to enter land to inspect land, maintain facilities and install certain types of facilities (known as low-impact facilities), and immunity from some state and territory laws, including planning laws, when carrying out these activities.

Schedule 3 of the Telecommunications Act includes—

- low-impact facilities described in the *Telecommunications (Low-Impact Facilities) Determination 1997* and all existing and future amendments, when installed by a carrier;
- a temporary defence facility; and
- a facility authorised by a Facilities Installation Permit issued under the Telecommunication Act.

Carriers seeking to install low-impact facilities are required to comply with Schedule 3 of the Telecommunications Act and the *Telecommunications Code of Practice 1997*.

### 3.6. When this policy should be applied

Due regard should be given to this policy by State and local government planning decision-makers for—

- (a) The preparation and assessment of local planning schemes and local planning policies;
- (b) The preparation of local structure plans; and
- (c) Development proposals for telecommunications infrastructure.



### 3.7. Relationship of this policy to Commonwealth legislation

The Telecommunications Act provides the regulatory framework for the Australian telecommunications industry. All telecommunications carriers and service providers must comply with the Act and its subordinate legislation. The ACMA is empowered through the Telecommunications Act to regulate and monitor the performance of the industry, and reports to the Minister for Communications annually.

Relevant amendments to the Telecommunications Act include—

- *Telecommunications Legislation Amendment (Fibre Deployment) Act 2011*—This amendment to the Telecommunications Act provides a framework for the roll-out of the National Broadband Network, specifically the deployment of optical fibre lines and fibre-ready infrastructure.

Other relevant Commonwealth legislation and subordinate codes include—

- *National Broadband Network Companies Act 2011*—This Act provides a regulatory framework for NBN Corporations that promotes the long term interests of end-users of carriage services or of services provided by means of carriage services; and
- *Mobile Phone Base Station Deployment Industry Code (C564:2011)*—This code applies a precautionary approach to the deployment of mobile telephone infrastructure to ensure that the exposure of the community to EME is minimised. It also sets out a consultation procedure for infrastructure development that does not require development approval (low impact facilities).

This policy complements the Telecommunications Act and other relevant and subordinate legislation.

## 4. Policy objectives

The objectives of this policy are to—

- (a) facilitate the provision of telecommunications infrastructure in an efficient and environmentally responsible manner to meet community needs;
- (b) manage the environmental, cultural heritage, visual and social impacts of telecommunications infrastructure;
- (c) ensure that telecommunications infrastructure is included in relevant planning processes as essential infrastructure for business, personal and emergency reasons; and,
- (d) promote a consistent approach in the preparation, assessment and determination of planning decisions for telecommunications infrastructure.

## 5. Policy measures

### 5.1. Visual impacts

For telecommunications infrastructure to be effective, structures are generally located prominently, at high points in the landscape or on top of buildings, where they are more likely to be visible to the public.

The planning authority may exercise discretion in addressing the visual impacts of telecommunications infrastructure. Visual impacts of an infrastructure development proposal should be assessed by applying the following set of policy measures to guide the location, siting and design of the structure.

5.1.1. The benefit of improved telecommunications services should be balanced with the visual impact on the surrounding area.

- i. Assessment of the visual impact of development proposals for telecommunications infrastructure should be made on a case by case basis;
- ii. Telecommunications infrastructure should be sited and designed to minimise visual impact and whenever possible—
  - (a) be located where it will not be prominently visible from significant viewing locations such as scenic routes, lookouts and recreation sites;
  - (b) be located to avoid detracting from a significant view of a heritage item or place, a landmark, a streetscape, vista or a panorama, whether viewed from public or private land;
  - (c) not be located on sites where environmental, cultural heritage, social and visual landscape values maybe compromised and
  - (d) display design features, including scale, materials, external colours and finishes that are sympathetic to the surrounding landscape;
- iii. In addition to the existing exemptions under the Telecommunication Act, local governments should consider exempting telecommunications infrastructure from the requirement for development approval where—
  - (a) The infrastructure has a maximum height of 30 metres from finished ground level;
  - (b) The proposal complies with the policy measures outlined in this policy; and
  - (c) The proponent has undertaken notification of the proposal in a similar manner to 'low impact facilities' as defined and set out in the Mobile Phone Base Station Deployment Industry Code (C564:2011);
- iv. Telecommunications infrastructure should be located where it will facilitate continuous network coverage and/or improved telecommunications services to the community; and

- v. Telecommunications infrastructure should be co-located and whenever possible—
  - (a) Cables and lines should be located within an existing underground conduit or duct; and
  - (b) Overhead lines and towers should be co-located with existing infrastructure and/or within existing infrastructure corridors and/or mounted on existing or proposed buildings.

Section 6.3.1 provides guidance on what applicants should submit in support of a development application to assist planning assessment.

## 6. Implementation

This policy is given effect by the *Planning and Development Act 2005*. Telecommunications infrastructure should be included as a relevant planning consideration in the preparation and assessment of local planning schemes and local planning policies, structure plans (at the local level) and development applications.

### 6.1. Local planning schemes and local planning policies

When preparing or reviewing local planning schemes or local planning policies, local governments should ensure that—

- (a) Telecommunications infrastructure is included in the zoning table as a land use;
- (b) Telecommunications infrastructure is not designated as a 'use not permitted' (X) by the scheme in any zone in the zoning table;
- (c) In zones where the location of telecommunications infrastructure is supported, telecommunications infrastructure is designated as a permitted use (P) in the zoning table;
- (d) In zones where telecommunications infrastructure is permitted, the Scheme provides guidance on development approval exemptions;
- (e) Buffer zones and/or setback distances are not included in local planning schemes or local planning policies; and
- (f) Schemes and policies adhere to the policy measures outlined in Section 5 of this policy.

### 6.2. Structure planning at the local level

- (a) In the preparation and assessment of structure plans at the local level, consideration should be given to the need for telecommunications services in supporting documentation. Early consideration of wireless and mobile phone telecommunication system requirements allows for them to be incorporated into the design process and mitigate any potential visual impacts to the community.

### 6.3. Development

In considering a development application, the local government should give consideration to—

- (a) The extent to which the proposal adheres to the policy measures outlined in Section 5 of this policy
- (b) The need for services to be located to optimise coverage; and
- (c) Documentation to be submitted under Section 6.3.1 of this Policy.

The advertising period for a development proposal should be no more than 21 days.

#### 6.3.1. Information to be submitted when lodging a development application

In addition to the requirements for development applications under the relevant local planning scheme, development applications for telecommunications infrastructure are to include the following information—

- (a) a report demonstrating compliance with the Mobile Phone Base Station Deployment Industry Code (C564:2011), excluding Sections 6 and 7 (which only apply to developments that do not require development approval);
- (b) a statement and/or a map indicating the extent to which the proposed facility addresses the network capacity for future demand and/or current gaps in service;
- (c) a statement about the extent to which the proposed facility complies with any relevant local planning scheme or planning policy adopted under a scheme and (if applicable) justification for any variation from the relevant scheme or policy provisions;
- (d) plans and coloured graphic illustrations, including photo simulations, showing the type of facility and its relationship with adjacent development, including the proposal's elevations showing the extent, height and appearance, proposed materials and colour, any screening or fencing, and any external lighting;
- (e) details of any significant environmental constraints, including those associated with the species, condition and significance of any vegetation to be removed;
- (f) map and a statement about where the proposed facility is to be located. If the facility is proposed within an infrastructure easement or corridor, consultation with other users is to be demonstrated; and
- (g) a statement explaining how the proposed facility addresses the policy measures for the location, siting and design of telecommunications infrastructure set out in Section 5.2 of this Policy.

## 7. Definitions

*Telecommunications Carrier* has the same meaning given to the term in the *Telecommunications Act 1997*.

*Fibre-ready Facility* has the same meaning given to the term in the *Telecommunications Act 1997*.

*Relevant health and safety standard* means health and safety standards specified for the installation and operation of telecommunications facilities under the—

- *(Commonwealth) Telecommunications Code of Practice 1997;*
- *(Commonwealth) Radiocommunications Act 1992;*
- *Mobile Phone Base Station Deployment Industry Code (C564:2011) (this is a document prepared by the Communications Alliance and registered with the ACMA as an Industry Code)*

*Telecommunications infrastructure* means any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit, or other structure used, or for use, in or in connection with a telecommunications network.

*Service provider* has the same meaning given to the term in the *Telecommunications Act 1997*

*National Broadband Network* has the same meaning given to the term in the *National Broadband Companies Act 2011*

*National Broadband Network Corporation* has the same meaning given to the term in the *National Broadband Companies Act 2011*

*Radiocommunications* has the same meaning given to the term in the *Radiocommunications Act 1992*

*Pit and pipe infrastructure* refers to pits and conduits installed in subdivisions to house fixed line telecommunications cable.

*Fibre-ready facility* has the same meaning given to the term in the *Telecommunications Act 1997*

*Carriage services* include services for carrying communications, for example telephone services, Internet access services and Voice over Internet Protocol (VoIP) services.

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## TRANSPORT

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TN401\*

**ROAD TRAFFIC (VEHICLES) ACT 2012**  
**ROAD TRAFFIC (VEHICLE) REGULATIONS 2014**  
 CLASS 3 VEHICLE NOTICE 2015  
 Harvest Mass Management Scheme

Pursuant to Section 34 (1) (a) of the *Road Traffic (Vehicles) Act 2012*, I Reece Waldock, the Commissioner of Main Roads, hereby exempt vehicles which are operating in accordance with the Harvest Mass Management Scheme ("the HMMS") from the mass limits prescribed under the *Road Traffic (Vehicle) Regulations 2014*, Part 8 Subdivision 2 Regulations 164, 165, 166(2) subject to the following conditions—

1. The motor vehicle must be registered under the HMMS and operating in accordance with the HMMS Business Rules, as published on [www.mainroads.wa.gov.au](http://www.mainroads.wa.gov.au) or available from Main Roads Heavy Vehicle Services;
2. The vehicle must be loaded from a paddock and must be driven directly to a Grain Receiver that is registered with Main Roads Heavy Vehicle Services as an HMMS participant;
3. The vehicle must comply with the requirements stipulated by the Grain Receiver in accordance with the HMMS Business Rules;
4. The vehicle and its load must not exceed the lesser of 10 per cent or 10 tonne over an exempted mass limit;
5. A vehicle under 19 metres in length, that does not require a Main Roads Permit when unladen, is permitted to operate under this order on any public road, other than a road that is restricted under *RAV Network 1*, as published on [www.mainroads.wa.gov.au](http://www.mainroads.wa.gov.au) or available from Main Roads Heavy Vehicle Services;
6. A vehicle that requires a Main Roads Permit or Order when unladen is only permitted to operate under this Order on roads specified in the relevant Permit or Order;
7. A vehicle mentioned in clause 6 must comply with the conditions of the Permit or Order, other than conditions relating to mass limits.

This exemption notice shall be in force between the 5th of September 2015 up to and including the 30th September 2015.

STEPHEN TROUGHTON, A/Commissioner of Main Roads.

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**DECEASED ESTATES**

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**ZX401\*****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 Sandra Margaret Sinclair, late of Sacramento Avenue, Beechboro, Western Australia, who died on the 19th day of March 2015, are required by the personal representative John Sinclair to send particulars of their claims addressed to the Administrator of the Estate of the late Sandra Margaret Sinclair care of Lynn & Brown, Lawyers, Suites 18-20, 29 Collier Road, Morley WA 6062 within one (1) month of the date of publication of this notice, after which date the personal representative may convey or distribute the assets having regard only to the claims of which the personal representative then has notice.

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**ZX402****TRUSTEES ACT 1962  
DECEASED ESTATES**

Notice to Creditors and Claimants

Ilda Guthrie, late of Balmoral Aged Care, 29 Gardner Street, Como, Western Australia, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates) in respect of the deceased, who died on 24 July 2015, are required by the Executors, Leonard Gregory Calder and Cornelius John Geers to send particulars of their claim to them, care of Butcher Paull & Calder, 8th Floor, 231 Adelaide Terrace, Perth WA 6000 (Ref: SO/20150900) within one (1) month of the date of publication hereof, after which date the Executors may convey or distribute the assets having regard to the claims of which they then have notice.

Dated: 2 September 2015.

BUTCHER PAULL &amp; CALDER, as solicitors for the Executor.

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**WESTERN AUSTRALIA****MINES SAFETY AND INSPECTION  
ACT 1994****Price: \$47.60 plus postage****MINES SAFETY AND INSPECTION  
REGULATIONS 1995****Price: \$50.85 plus postage**

\*Prices subject to change on addition of amendments.