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— PART 1 —

INDUSTRY REGULATION

IS301

Building Act 2011

Building Regulations Amendment Regulations 2017

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Building Regulations Amendment Regulations 2017*.

2. Commencement

These regulations come into operation as follows —

- (a) Part 1 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

Part 2 — *Building Regulations 2012* amended

3. Regulations amended

This Part amends the *Building Regulations 2012*.

4. Regulation 3 amended

- (1) In regulation 3 delete the definition of *alternative solution*.
- (2) In regulation 3 insert in alphabetical order:

performance solution has the meaning given in the Building Code Volume 1 Part A1;

5. Regulation 5 amended

In regulation 5:

- (a) in the Table item 1 delete “structure” and insert:

structure.

- (b) in the Table delete items 2 and 3 and insert:

2.	Building surveying practitioner level 2	<p>A Class 1 or Class 10 building or incidental structure.</p> <p>A Class 2 to Class 9 building or incidental structure —</p> <p>(a) with a floor area not exceeding 2 000 m²; and</p> <p>(b) not higher than 3 storeys.</p>
3.	Building surveying practitioner technician	<p>A Class 1 or Class 10 building or incidental structure.</p> <p>A Class 2 to Class 9 building or incidental structure —</p> <p>(a) with a floor area not exceeding 500 m²; and</p> <p>(b) not higher than 2 storeys.</p>

6. Regulation 19 amended

In regulation 19(2)(c) delete “electricity, gas, telephone or water services” and insert:

electricity or gas services

7. Regulation 31I amended

In regulation 31I(2)(b) delete “electrical, gas, telephone or water service” and insert:

electrical or gas service

8. Various references to “alternative solution” amended

In the provisions listed in the Table delete “alternative solution” (each occurrence) and insert:

performance solution

Table

r. 3 def. of <i>approved barrier solution</i>	r. 16(3)(c)
r. 18A(1)(c) and (2)(b)(i)	r. 18B(2)(b) and (3)(b)
r. 31C(1) Table 2 nd row and 3 rd row and (2) Table 2 nd row	r. 31G(2)
r. 36(2)(c)	r. 50(1B)
r. 51(5)	

Part 3 — *Building Services (Registration) Regulations 2011* amended

9. Regulations amended

This Part amends the *Building Services (Registration) Regulations 2011*.

10. Regulation 28A amended

In regulation 28A delete the definition of *building surveying work level 2* and insert:

building surveying work level 2 means building surveying work in respect of —

- (a) a Class 1 or Class 10 building or incidental structure; or
- (b) a Class 2 to 9 building or incidental structure —
 - (i) with a floor area up to 2 000 m²; and
 - (ii) not more than 3 storeys in height.

N. HAGLEY, Clerk of the Executive Council.

— PART 2 —

LOCAL GOVERNMENT

LG501

BUSH FIRES ACT 1954

FIREBREAK AND FUEL LOAD NOTICE 2017/2018

Shire of Mundaring

Owners and/or occupiers of land situated within Shire of Mundaring

As a measure to assist in the control of bush fires, or preventing the spread or extension of a bush fire which may occur, notice is hereby given to all owners and/or occupiers of land within the Shire of Mundaring that pursuant to the powers conferred in Section 33 of the *Bush Fires Act 1954*, works in accordance with the requisitions of this notice must be carried out before the 1st day of November in each year, or within 14 days of becoming the owner or occupier of land if after that date. All work specified in this Notice is to be maintained up to and including the 31st day of March in the following calendar year.

Definitions

For the purpose of this Notice the following definitions apply—

Alternative Fire Management Arrangement includes a variation as defined in Section 6 of this Notice and, a Bushfire Management Plan, Bushfire Management Statement, or Fuel Load Management Plan, approved by the Shire of Mundaring to reduce and mitigate fire hazards within a particular subdivision, lot or other area of land anywhere in the district.

Authorised Officer means an employee of the Shire of Mundaring appointed as a Bush Fire Control Officer pursuant to the powers conferred in Section 38 of the *Bush Fires Act 1954*.

Firebreak means a strip or area of ground, not less than 3 metres in width, and 4 metres in height, immediately inside all external boundaries of any lot owned and/or occupied by you and situated within Shire of Mundaring, constructed to a trafficable surface that is kept and maintained totally clear of all flammable material and includes the pruning and removal of any living or dead trees, scrub or any other material encroaching into the vertical axis of the firebreak area. Such firebreaks may be constructed by one or more of the following methods: Ploughing, Cultivating, Scarifying, Raking, Burning, Chemical Spraying or Other Method as approved by an Authorised Officer.

Flammable Material means any plant, tree, grass, substance, object, thing or material that may or is likely to catch fire and burn or any other thing deemed by an authorised officer to be capable of combustion.

Fuel Depot/Fuel Storage Area means an area of land, a building or structure where fuel, ie (petrol, diesel, kerosene, liquid gas or any other fossil fuel) is kept in any container or manner.

Fuel Load is the leaf litter on the ground inclusive of leaves, twigs (up to 6mm in diameter) and bark. A litter depth of 5mm from the top of the layer to the mineral earth beneath is indicative of approximately 2.5 tonnes per hectare. A litter depth of 15mm from the top of the layer to the mineral earth beneath is indicative of approximately 8 tonnes per hectare. The Shire of Mundaring can provide advice on determining fuel load levels and provides a fuel load measurement guide for your use on request.

Habitable Buildings means a dwelling, workplace, place of gathering or assembly, a building used for the storage or display of goods or produce for sale by whole sale in accordance with classes 1-9 of the Building Code of Australia. The term habitable building includes attached and adjacent structures like garages, carports verandas or similar roofed structure(s) that are attached to, or within 6 metres of the dwelling or primary building.

Maintaining Fuel Loads relates to the management of leaf litter as described in this Notice. Reducing fuel load levels does not necessarily require the removal of existing natural vegetation. A combination of methods can be utilised inclusive of safe burning, raking, weed removal, pruning and/or the removal of dead plant material.

Managed Vegetation includes vegetation that is pruned away from buildings, under pruned to minimise contact with ground fuels and that is kept free of dead suspended matter such as twigs, leaves and bark.

Trafficable means to be able to travel from one point to another in a four-wheel drive fire appliance on a clear surface, unhindered without any obstruction that may endanger such fire appliances. A firebreak is not to terminate, or lead to a dead end, without provision for egress to a safe place or a cleared turn around area of not less than a 19 metre radius.

Vertical Axis means a continuous vertical uninterrupted line at a right angle to the horizontal line of the firebreak to a minimum height of 4 metres from the ground.

Land Categories

The specific requirements below relating to land categories within the Shire are to be implemented and maintained to the satisfaction of an Authorised Officer.

1. All land with an area of less than 5000sqm with a building on it

Maintain a Building Protection Zone in line with the requirements of Section 5 of this notice.

For the remainder of the land on the lot outside of the Building Protection Zone—

- maintain all grass on the land to a height no greater than 5cm
- ensure no tree crowns overhang a building
- prune trees and shrubs, and remove dead flammable material within 1.5 metres around all buildings
- ensure the roofs, gutters and walls of all buildings on the land are free of flammable matter
- maintain fuel loadings in natural bush areas at less than 8 tonnes per hectare across the land.

2. All land with an area of 5000sqm or greater, with a building on it

Maintain a Building Protection Zone in line with the requirements of Section 5 of this notice.

For the remainder of the land on the lot outside of the Building Protection Zone—

- If the land is an area of less than 50,000sqm (5 Hectares) all grass must be maintained on the land to a height no greater than 5cm.
- If the land is an area of 50,000sqm (5 Hectares) or greater, the grass must be maintained on the land to a height no greater than 5cm for a distance of 10m from any firebreak
- install a firebreak around all structures and immediately inside all external boundaries of the land
- prune trees and shrubs, and remove dead flammable material around all structures
- ensure the roofs, gutters and walls of all buildings on the land are free of flammable matter
- maintain fuel loadings in natural bush areas at less than 8 tonnes per hectare across the land.

3. All vacant land

- Install a firebreak immediately inside all external boundaries of the land.
- If the land is an area of less than 50,000sqm (5 Hectares) all grass must be maintained on the land to a height no greater than 5cm.
- If the land is an area of 50,000sqm (5 Hectares) or greater, the grass must be maintained on the land to a height no greater than 5cm for a distance of 10m from any firebreak
- Maintain fuel loadings in natural bush areas to less than 8 tonnes per hectare across the land

4. Fuel Depot / Fuel Storage Area / Haystacks / Stockpiled Flammable Material

- Remove all inflammable matter within 10 metres of where fuel drums, fuel ramps or fuel dumps are located, and where fuel drums, whether containing fuel or not, are stored
- Install a firebreak immediately adjacent to any haystacks or stockpiled flammable material

5. Building Protection Zone Specification

The Building Protection Zone (BPZ) for habitable buildings and related structures, as defined within this Notice, must meet the following requirements, unless varied under an approved 'Alternative Fire Management Arrangement' as defined within this Notice, and applies only within the boundaries of the lot on which the habitable building is situated—

- BPZs for habitable buildings must extend a minimum of 20 metres out from any external walls of the building, attached structures, or adjacent structures within 6 metres of the habitable building
- on sloping ground the BPZ distance shall increase at least 1 metre for every degree in slope on the sides of the habitable building that are exposed to down slope natural vegetation
- BPZs predominantly consist of managed vegetation, reticulated lawns and gardens and other non-flammable features
- all grass is maintained to or under 5cm
- fuel loads must be maintained at 2 tonnes per hectare or lower
- Clear separation distance between adjoining or nearby tree crowns
- a small group of trees within close proximity to one another may be treated as one crown provided the combined crowns do not exceed the area of a large or mature crown size for that species
- trees are to be low pruned (or under pruned) to at least a height of 2 metres from ground
- no tree, or shrub over 2 metres high are to be within 2 metres of a habitable building
- tall shrubs over 2 metres high are not planted in groups close to the habitable building and ensure there is a gap of at least three times the height (at maturity) of the shrub away from the habitable building

- there are no tree crowns or branches hanging over habitable buildings
- install paths and non-flammable features immediately adjacent to the habitable building
- wood piles and flammable materials stored a safe distance from habitable buildings

6. Application to vary the above requirements

If it is considered impracticable for any reason whatsoever to implement any of the requirements of this Notice, you may apply in writing to the Shire of Mundaring by no later than the 15th day of September each year for permission to implement alternative measures to assist in the control of bush fires, or preventing the spread or extension of a bush fire which may occur. If permission is not granted in writing by the Shire of Mundaring you must comply with the requirements of this notice.

7. Additional Works

In addition to the requirements of this Notice, you may be required to carry out further works which are considered necessary by an Authorised Officer and specified by way of a separate written notice forwarded to the address of the owner/s as shown on the Shire of Mundaring rates record for the relevant land.

Take notice that pursuant to Section 33(4) of the *Bush Fires Act 1954*, where the owner and/or occupier of land fails or neglects to comply with the requisitions of this Notice within the times specified, the Shire of Mundaring may by its officers and with such servants, workmen and contractors, vehicles and machinery as the officers deem fit, enter upon the land and carry out the requisitions of this Notice which have not been complied with and pursuant to Section 33(5) of the *Bush Fires Act 1954*, the amount of any costs and expenses incurred may be recovered from you as the owner and or occupier of the land.

If the requirements of this Notice are carried out by burning, such burning must be in accordance with the relevant provisions of the *Bush Fires Act 1954*.

The Penalty for failing to comply with this Notice is a fine not exceeding \$5000 and a person in default is also liable whether prosecuted or not to pay the costs of performing the work directed by this Notice if it is not carried out by the owner and/or occupier by the date required by this Notice.

By order of the Council.

JONATHAN THROSSELL, Chief Executive Officer.

PLANNING

PL101

CORRECTION

PLANNING AND DEVELOPMENT ACT 2005

Shire of Esperance

LOCAL PLANNING SCHEME NO. 24

An error occurred in the notice under the above heading on page 4262 of *Government Gazette* No. 155 dated 2 August 2017 and is corrected as follows—

Under sub-heading “**26. Shipping Container Requirements**” replace paragraph (d) with—

- (d) Notwithstanding subclauses (b) and (c) where a shipping container is clad and has the addition of a pitched roof or is permanently screened from public view it may receive planning approval subject to subclause (a).

PREMIER AND CABINET

PR401

CONSTITUTION ACTS AMENDMENT ACT 1899

APPOINTMENT OF PARLIAMENTARY SECRETARY

It is notified for public information that the Governor in Executive Council, under the *Constitution Acts Amendment Act 1899* section 44A(1)(a), has appointed John Newton Carey to be the Parliamentary Secretary to the Minister for Transport; Planning; Lands with effect on and from 3 August 2017.

N. HAGLEY, Clerk of the Executive Council.

RACING, GAMING AND LIQUOR

RA401

LIQUOR CONTROL ACT 1988

LIQUOR APPLICATIONS

The following are applications received under the *Liquor Control Act 1988* (the Act) and required to be advertised.

Any person wishing to obtain more details about any application, or about the objection process, should contact the Department of Racing, Gaming and Liquor, Level 2, Gordon Stephenson House, 140 William Street, Perth, Telephone: (08) 6551 4888, or consult a solicitor or relevant industry organisation.

App. No.	Applicant	Nature of Application	Last Date for Objections
APPLICATIONS FOR THE GRANT OF A LICENCE			
A000241035	The Blasta Group Pty Ltd	Application for the conditional grant of a Tavern licence in respect of premises situated in Burswood and known as Blasta Brewing Company.	31/08/2017
A000241263	Naomi Sarah Rigby & Joseph Derek Rigby	Application for the conditional grant of a Restaurant licence in respect of premises situated in Joondalup and known as Delboys Diner.	17/08/2017
A000241834	Tambellup Community Pavilion Association Inc	Application for the grant of a Club licence in respect of premises situated in Tambellup and known as Tambellup Community Pavilion Assn Inc.	22/08/2017
A000241851	Liquorland (Australia) Pty Ltd	Application for the conditional grant of a Liquor Store licence in respect of premises situated in Armadale and known as Liquorland Haynes.	5/09/2017
A000242805	Woolworths Limited	Application for the conditional grant of a Liquor Store licence in respect of premises situated in Mandurah and known as BWS—Beer Wine Spirits Mandurah Forum.	6/09/2017
APPLICATIONS TO ADD, VARY OR CANCEL A CONDITION OF LICENCE			
A000241159	Napoleon Street Project Pty Ltd	Application for the Variation of trading conditions for an Alfresco Dining permit in respect of premises situated in Cottesloe and known as Elba Cottesloe.	1/09/2017
A000238548	Pleasure Foods Group Pty Ltd	Application for the Variation of trading conditions for a Tavern Restricted licence in respect of premises situated in Perth and known as Guylian Belgian Chocolate Cafe.	17/08/2017

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

DIRECTOR OF LIQUOR LICENSING.

Dated: 4 August 2017.

DECEASED ESTATES

ZX402

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

In the estate of Colin John Bordley, late of u309/106 Oakleigh Drive, Erskine, Western Australia 6210, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962* relates) in respect of the estate of the above named deceased who died on the 16th of November 2015 are required by the executor, Roger Bordley, 25 Aralia Way Forrestfield 6058, to send particulars of their claims to him by 5th of September 2017 after which date the executor may convey or distribute the assets having regard only to the claims of which he then has notice.

ZX401**TRUSTEES ACT 1962****DECEASED ESTATES**

Notice to Creditors and Claimants

Colin Charles Hamersley, late of Unit 9, 54 Glenview Street, Geraldton, Western Australia, Retired Farmer, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962* relates) in respect of the estate of the deceased, who died on 18 May 2016, are required by the Executors, Garry Irwin Hamersley and Leonard Colin Hamersley care of Mid West Lawyers, Suite 1, Wiebbe Hayes House, 7 Wiebbe Hayes Lane, Geraldton, Western Australia, to send particulars of their claims to them within one (1) month from the date of publication of this notice, after which date the Administrator may convey or distribute the assets, having regard only to the claims of which they then have notice.

MID WEST LAWYERS.
