



**WESTERN
AUSTRALIAN
GOVERNMENT
Gazette**

ISSN 1448-949X (print) ISSN 2204-4264 (online)
PRINT POST APPROVED PP665002/00041



PERTH, FRIDAY, 22 SEPTEMBER 2017 No. 185

PUBLISHED BY AUTHORITY KEVIN J. McRAE, GOVERNMENT PRINTER AT 12.00 NOON

© STATE OF WESTERN AUSTRALIA

CONTENTS

PART 1

	Page
Health Services (Fees and Charges) Amendment Order (No. 5) 2017	4933

PART 2

Agriculture and Food	4934
Conservation	4934
Consumer Protection	4935
Deceased Estates	4946
Electoral	4936
Fisheries	4936
Health	4936
Justice	4937
Local Government	4938
Marine/Maritime	4940
Minerals and Petroleum	4942
Parliament	4943
Planning	4943
Premier and Cabinet	4946

IMPORTANT COPYRIGHT NOTICE

© State of Western Australia

This work is copyright. Apart from any use as permitted under the *Copyright Act 1968*, no part may be reproduced by any process without written permission from the Attorney General for Western Australia. Inquiries in the first instance should be directed to the Government Printer, State Law Publisher, 10 William St, Perth 6000.

PUBLISHING DETAILS

The Western Australian *Government Gazette* is published by State Law Publisher for the State of Western Australia on Tuesday and Friday of each week unless disrupted by Public Holidays or unforeseen circumstances.

Special *Government Gazettes* containing notices of an urgent or particular nature are published periodically.

The following guidelines should be followed to ensure publication in the *Government Gazette*.

- Material submitted to the Executive Council prior to gazettal will require a copy of the signed Executive Council Minute Paper.
- Copy must be lodged with the Sales and Editorial Section, State Law Publisher no later than 12 noon on Wednesday (Friday edition) or 12 noon on Friday (Tuesday edition).

Delivery address:

State Law Publisher
Basement Level,
10 William St. Perth, 6000
Telephone: 6552 6000 Fax: 9321 7536

- Inquiries regarding publication of notices can be directed to the Publications Officer on (08) 6552 6012.
- Lengthy or complicated notices should be forwarded early to allow for preparation. Failure to observe this request could result in the notice being held over.

If it is necessary through isolation or urgency to email or fax copy, confirmation is not required by post. *If original copy is forwarded later and published, the cost will be borne by the advertiser.*

ADVERTISING RATES AND PAYMENTS

EFFECTIVE FROM 1 JULY 2017 (Prices include GST).

Deceased Estate notices (per estate)—\$31.60

Articles in Public Notices Section—\$73.55 minimum charge (except items of an exceptionally large nature. In these instances arrangements will be made for pricing the notice at time of lodging).

All other Notices—

Per Column Centimetre—\$14.65

Bulk Notices—\$268.50 per page

Electronic copies of gazette notices sent to clients for lodgement with the Delegated Legislation Committee—\$48.35

Clients who have an account will only be invoiced for charges over \$50.

For charges under \$50, clients will need to supply credit card details at time of lodging notice (i.e. a notice under 4cm would not be invoiced).

Clients without an account will need to supply credit card details or pay at time of lodging the notice.

— PART 1 —

HEALTH

HE301

Health Services Act 2016

Health Services (Fees and Charges) Amendment Order (No. 5) 2017

Made by the Minister under section 56(3) of the Act.

1. Citation

This order is the *Health Services (Fees and Charges) Amendment Order (No. 5) 2017*.

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 *Health Services (Fees and Charges) Order 2016*.

4. Schedule 1 amended

In Schedule 1 Division 1 Subdivision 1:

- (a) in item 1(c) delete “\$58.80 per day” and insert:

\$59.20 per day

- (b) in item 1(d) delete “\$196.90 per day” and insert:

\$197.30 per day

R. COOK, Minister for Health.

— PART 2 —

AGRICULTURE AND FOOD

AG401

BIOSECURITY AND AGRICULTURE MANAGEMENT ACT 2007 ALTERNATIVE REQUIREMENTS

Pursuant to section 44 of the *Biosecurity and Agriculture Management Act 2007* (the Act) and as delegate of the Director General, the Agriculture and Food A/Deputy Director General of the Department of Primary Industries and Regional Development has approved requirements for the intra-state movement of certain potential carriers of declared pests. These requirements take effect as an alternative to the requirements currently imposed under regulation 20 and 21 of the *Biosecurity and Agriculture Management Regulations 2013*. The requirements will remain in place until 31 January 2018, by which time they will be made permanent by amendment of the regulations. Failure to comply with the requirements constitutes an offence under the Act and penalties apply. Of particular importance are the requirements relating to the movement of banana containers to Kununurra and Carnarvon. These have been introduced to combat the threat of introduction of Panama Disease, a devastating disease of bananas found in Queensland.

Full details of the requirements may be obtained from www.agric.wa.gov.au or from the head office of Agriculture and Food Division of the Department of Primary Industries and Regional Development at—

Address: 3 Baron-Hay Court South Perth WA 6151
Postal: Locked Bag 4 Bentley Delivery Centre WA 6983
Phone: 08 9368 3333 (International +61 8 9368 3333)
Fax: +61 8 9474 2405
Email: enquiries@agric.wa.gov.au

CONSERVATION

CO401

CONSERVATION AND LAND MANAGEMENT ACT 1984

EIGHTY MILE BEACH MARINE PARK (ALTERATION OF BOUNDARIES) ORDER 2017

Made by the Governor in Executive Council under section 13(1) and (4) of the Act.

1. Citation

This is the *Eighty Mile Beach Marine Park (Alteration of Boundaries) Order 2017*.

2. Commencement

This notice comes into operation on the day on which it is published in the *Government Gazette*.

3. Inclusion of additional waters in Eighty Mile Beach Marine Park

The boundaries of the Eighty Mile Beach Marine Park are altered to include additional waters so that the Eighty Mile Beach Marine Park comprises the part of Western Australian waters described in Schedule 1.

4. Eighty Mile Beach Marine Park reserved and classified

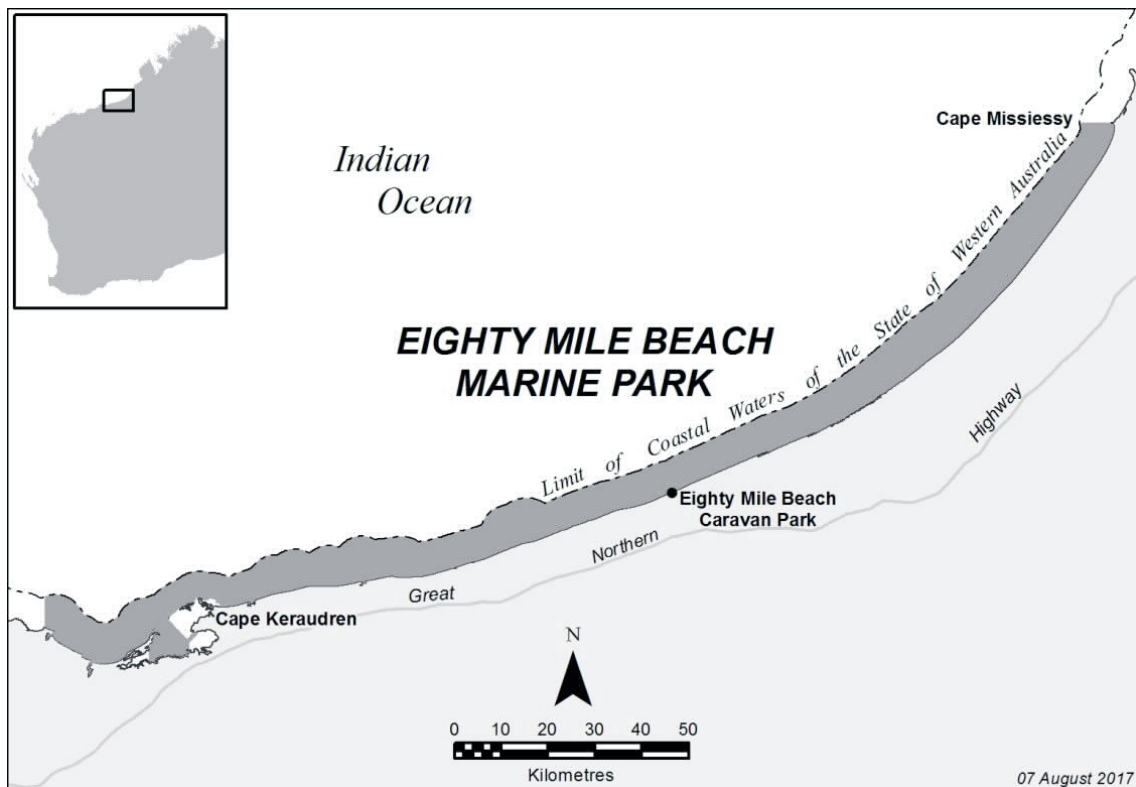
(1) The area described in Schedule 1 is reserved as a marine park, to be known as the Eighty Mile Beach Marine Park, and classified as Class A.

(2) The area described in Schedule 1 is shown on Deposited Plan No. 410079, held by the Western Australian Land Information Authority trading as Landgate.

(3) A copy of Deposited Plan No. 410079 may be inspected during office hours at the Department of Biodiversity, Conservation and Attractions offices at—

- (a) 111 Herbert Street, Broome;
- (b) 17 Dick Perry Avenue, Kensington.

Schedule 1—Representation of Eighty Mile Beach Marine Park



By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.

CONSUMER PROTECTION

CP401

RETAIL TRADING HOURS ACT 1987

RETAIL TRADING HOURS (SHIRE OF PLANTAGENET) VARIATION ORDER 2017

Made by the Minister for Commerce and Industrial Relations under section 12E of the Act.

1. Citation

This order is the *Retail Trading Hours (Shire of Plantagenet) Variation Order 2017*.

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. *Retail Trading Hours (Shire of Plantagenet) Variation Order 2010* repealed

The *Retail Trading Hours (Shire of Plantagenet) Variation Order 2010* published in the *Government Gazette* on 31 August 2010 p. 4180 is repealed.

4. Variation of retail trading hours

General retail shops, other than motor vehicle shops, in the Plantagenet local government district are authorised to be open at times when those shops would otherwise be required to be closed—

- (a) on Sunday in each week from 9.00 am until 5.00 pm;
- (b) on each public holiday other than Christmas Day, Good Friday and ANZAC Day—
 - (i) if the public holiday falls on a Monday, Tuesday, Wednesday or Friday, from 8.00 am until 6.00 pm;
 - (ii) if the public holiday falls on a Thursday, from 8.00 am until 9.00 pm;
 - (iii) if the public holiday falls on a Saturday, from 8.00 am until 5.00 pm;
 - (iv) if the public holiday falls on a Sunday, from 9.00 am until 5.00 pm.
- (c) on ANZAC Day from 12.00 noon until 4.00 pm.

W. JOHNSTON, Minister for Commerce and Industrial Relations.

ELECTORAL

EL401

ELECTORAL ACT 1907

REGISTRATION OF POLITICAL PARTIES—WESTERN AUSTRALIA

Cancellation of Registration (Section 62L)

Family First Party WA

I hereby give notice in accordance with section 62L(5)(b) of the *Electoral Act 1907* that on 18 September 2017 I cancelled the registration of the “Family First Party WA” as a political party in Western Australia.

DAVID KERSLAKE, Electoral Commissioner.

FISHERIES

FI401

FISH RESOURCES MANAGEMENT ACT 1994WEST COAST ROCK LOBSTER MANAGED FISHERY MANAGEMENT PLAN
AMENDMENT 2017

FD 3986/17 [1342]

Made by the Minister under section 54.

1. Citation

This instrument is the *West Coast Rock Lobster Managed Fishery Management Plan Amendment 2017*.

2. Management plan amended

The amendment in this instrument is to the *West Coast Rock Lobster Managed Fishery Management Plan 2012*.

3. Clause 65 amended

In clause 65(3), delete “ 14 September 2017 ” and insert—
14 September 2022

Dated the 16th day of September 2017.

D. KELLY, Minister for Fisheries.

HEALTH

HE401

PUBLIC HEALTH ACT 2016

INSTRUMENT OF DESIGNATION

I, Roger Cook MLA, Minister for Health, acting pursuant to section 11(1) of the *Public Health Act 2016*, hereby designate Professor Tarun Weeramanthri to be the Chief Health Officer until 30 June 2022.

Dated this 12th day of September 2017.

Hon ROGER COOK MLA, Minister for Health.

JUSTICE

JU401

CHARITABLE TRUSTS ACT 1962
IN THE SUPREME COURT OF WESTERN AUSTRALIA
CIV 2393 of 2016

Between—

The Public Trustee as Executor of the will of Enid Joyce Cousins deceased, Plaintiff
and

The Attorney General for the State of Western Australia Defendant

Order approving Scheme before Master Sanderson in Chambers on 27 July 2017.

Upon the application of the Public Trustee as Executor of the will of Enid Joyce Cousins, deceased, by Originating Summons dated 16 August 2016 and upon hearing its solicitor and counsel for the Attorney General, it is ordered that—

1. the scheme a copy of which is attached hereto be approved;
2. the costs of this application be paid from the estate of the deceased.

By the Court.

MASTER SANDERSON.

SCHEME FOR VARIATION OF TRUST UNDER THE *CHARITABLE TRUSTS ACT 1962* (“SCHEME”)

1. The terms of the charitable trust established by the will of Enid Joyce Cousins dated 20 January 1994 be varied as follows—

- (a) by deleting the words “for the use and benefit of IRABEENA” and substituting the following words—

“in or towards the provision of services for intellectually disabled persons.”

2. The Trustee’s and the Attorney General’s reasonable costs and expenses of and incidental to—

- (a) considering, preparing and advertising the Scheme; and
- (b) obtaining approval for the Scheme,

be paid out of, and be a charge on, the trust property.

Approved—

MICHAEL MISCHIN MLC, Attorney General.

Date: 25 July 2016.

JU402

VEXATIOUS PROCEEDINGS RESTRICTION ACT 2002
IN THE SUPREME COURT OF WESTERN AUSTRALIA

CIV 2303 of 2016

Between: St John of God Health Care Inc Applicant and Rosaria Kezic Respondent

Orders made by the Honourable Justice Pritchard on 12 September 2017.

Upon hearing Mr R. McCabe and Mr S. Williams of counsel for the Applicant, and no appearance having been made for the Respondent it is ordered that—

1. Pursuant to s 4(2) of the *Vexatious Proceedings Restriction Act 2002* (the Act), St John of God Health Care Inc has leave to bring this application.
2. Pursuant to s 4(1) of the Act, Rosaria Kezic is prohibited from instituting any proceeding falling within the class of proceedings described in Order 3 herein, against St John of God Health Care Inc, without the leave of a court or tribunal granted pursuant to s 6(1) of the Act.
3. The class of proceedings referred to in Order 2 herein is—
Any proceeding arising from, or concerning, the payment of workers’ compensation in connection with Ms Kezic’s employment by St John of God Health Care Inc, or any appeal from any decision of a court or tribunal in relation to such a proceeding.
4. St John of God Health Care Inc is to serve a copy of these orders on Ms Kezic by registered post and email, within 7 days.
5. There be no order as to costs.

By the Court,

THE HONOURABLE JUSTICE PRITCHARD.

LOCAL GOVERNMENT

LG401

LOCAL GOVERNMENT ACT 1995*City of Armadale*

BASIS OF RATES

This notice, which is for public information only, is to confirm that—

I, Michael Connolly, being delegated by the Minister of the Crown to whom the administration of the *Local Government Act 1995* is committed by the Governor, and acting pursuant to section 6.28(1) of that Act, hereby, and with effect from 14 September 2017, determined that the method of valuation to be used by the City of Armadale, as the basis for a rate in respect of the land referred to in the Schedule is to be the gross rental value of the land—

Schedule A

	Designated land
UV to GRV	All those portions of land being Lots 371 to 416 inclusive as shown on Deposited Plan 411140

MICHAEL CONNOLLY, Deputy Director General—Regulation,
Department of Local Government, Sport and Cultural Industries.

LG402

LOCAL GOVERNMENT ACT 1995*Shire of Jerramungup*

APPOINTMENT

It is hereby notified for public information that Mr Ashley Peczka has been appointed as Community Emergency Services Officer for the purpose of enforcing the following Acts, Regulations and Local Laws for the Shire of Jerramungup—

- i. *Local Government Act 1995*
- ii. *Bush Fires Act 1954*
- iii. *Local Government (Miscellaneous Provisions) Act 1960*
- iv. Council Local Laws
- v. *Caravan Parks and Camping Grounds Act 1995*

BRENT BAILEY, Chief Executive Officer.

Dated: 20 September 2017.

LG501

BUSH FIRES ACT 1954*City of Armadale*

NOTICE TO ALL OWNERS AND OCCUPIERS OF LAND WITHIN THE CITY OF ARMADALE

All property owners are required to have mineral earth trafficable firebreaks constructed in accordance with this notice by 30 November 2017 and maintained until 14 March 2018.

Pursuant to the powers contained in Section 33 of the *Bush Fires Act 1954*, you are hereby required on or before the 30th day of November 2017 or within fourteen days of you becoming the owner or occupier of land should this be after the 30th day of November 2017 to clear firebreaks and remove flammable materials from the land owned or occupied by you as specified hereunder and to maintain the specified land and firebreaks clear of all flammable materials up to and including the 14th day of March 2018.

DEFINITIONS

“FIREBREAK” means a strip of land that has been cleared of all trees, bushes, grasses and any other object or thing or flammable material leaving clear bare mineral earth. This includes the trimming back of all overhanging trees, bushes, shrubs and any other object or thing over the fire break area.

“FLAMMABLE” means any bush, plant, tree, grass, mineral, vegetable, substance, object thing or material that may or is likely to catch fire and burn.

“TRAFFICABLE” means to be able to travel from one point to another in a 4X4 fire vehicle on a firm and stable surface, unhindered without any obstruction or getting stuck bogged or trapped.

“VERTICAL AXIS” means a continuous vertical uninterrupted line at a right angle to the horizontal line of the firebreak

ALL AREAS OF LAND (within the City of Armadale) LESS THAN 5000 m²

Have the entire land clear of all flammable material by mowing, slashing or other means. All grasses are to be maintained below (5) centimetres in height and all trees, bushes, shrubs are to be trimmed back over driveways and access ways to all buildings to three (3) metres wide with a clear vertical axis over it (4 metres) to afford access for emergency services to all structures and points of the property.

On any lot having an area of less than 5,000m², the keeping of grass on the lot at all times covered by this notice to a height less than 5 centimetres will be accepted in lieu of clearing a firebreak.

ALL AREAS OF LAND (within the City of Armadale) OVER 5000 m²

Install bare mineral earth trafficable firebreaks clear of all flammable material to a minimum of three (3) metres wide immediately inside all external boundaries of the land. All overhanging branches, trees, limbs etc. to be trimmed back to four (4) metres wide with a clear vertical axis over the firebreak area. Install bare mineral earth trafficable firebreaks to a minimum of three (3) metres wide immediately surrounding all buildings, sheds and haystacks or groups of buildings situated on the land, with all overhanging branches, trees, limbs etc. to be trimmed back to three (3) metres wide with a clear vertical axis over the firebreak area. This includes driveways and access to all buildings on 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.

- MOWED FIREBREAKS ARE NOT PERMITTED

HAZARD REDUCTION

In addition to the provisions of this notice you may be required to carry out further works which are considered necessary by Council or an Authorised Officer of the City and specified by way of a separate written notice forwarded to the address as shown on the City of Armadale rates record for the relevant land.

APPLICATION TO VARY FIREBREAK REQUIREMENTS

If it is considered impracticable for any reason whatsoever to clear firebreaks or establish other arrangements as required by this notice, you may apply in writing to the Council of the City of Armadale, or its duly Authorised Officers no later than the 1st day of November 2017 for permission to provide firebreaks in alternative positions on the land. If permission is not granted by the Council or its duly Authorised Officers you must comply with the requirements of this notice.

In some instances naturally occurring features such as rocky outcrops, natural watercourses or landscaping such as reticulated gardens, lawns or driveways may be an acceptable substitute for cleared firebreaks.

All firebreaks and other alternative arrangements allowed by the preceding parts of this notice must be established on or before the 30th day of November 2017 (or within 14 days of you becoming the owner or occupier should this occur after that date) and remain clear of flammable material up to and including the 14th day of March 2018.

Note: that no firebreak exemptions will be given. Please apply for a firebreak variation if an alternative location for firebreak installation is required.

All firebreaks must be installed as close to the property boundary as practicable. Mowed/slashed fire breaks will not be accepted.

COUNCIL DOES NOT ISSUE EXEMPTIONS TO THE FIREBREAK NOTICE**DOES YOUR PROPERTY HAVE A FIRE MANAGEMENT PLAN**

All properties with a Fire Management Plan approved as part of subdivision consent shall comply with the plan in its entirety

PENALTY: \$5000

FUEL STORAGE

On all land where fuel drum ramps are located and where fuel dumps, whether contained fuel or not, are stored, clear maintained firebreaks three (3) metres wide with a clear vertical axis over it (4 metres), around any drum, ramp or stack of drums.

NO BURNING ON SUNDAY OR PUBLIC HOLIDAY

Except when specifically authorised to do so for purpose of fuel reduction by a Bush Fire Control Officer (BFCO) appointed by Council under the provisions of *the Bush Fires Act 1954*, an owner or occupier of land shall not set fire to, or cause or allow to be set on fire, any bush, rubbish or refuse whatsoever on a Sunday or a day that is a Public Holiday.

PENALTIES

The penalty for failing to comply with this notice is a fine not exceeding \$5,000 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,

R. S. TAME, Chief Executive Officer.

MARINE/MARITIME

MA401

WESTERN AUSTRALIAN MARINE ACT 1982
NAVIGABLE WATERS REGULATIONS 1958

WATER SKI AND PARASAILING AREA

Champion Bay

City of Greater Geraldton

Department of Transport,
Fremantle WA, 22 September 2017.

Acting pursuant to the powers conferred by Regulation 48A of the *Navigable Waters Regulations 1958*, I hereby cancel notice number MH401 as published in the *Government Gazette* on 3 December 1993 and notice number TR401 as published in the *Government Gazette* on 11 February 1994 and set aside the following area of water for the purpose of Water Skiing and Para sailing—

Champion Bay: All those waters of Champion Bay bounded by a line from 28°45.768'S, 114°36.511'E (approximately 245 metres north-west of the end of the Batavia Coast Marina northern breakwater); thence to 28°45.768'S, 114°36.236'E (approximately 445 metres west); thence to 28°45.513'S, 114°36.236'E (approximately 470 metres north); thence to 28°45.025'S, 114°36.431'E (approximately 955 metres north-north-easterly); thence to 28°45.025'S, 114°36.825'E (approximately 640 metres east); thence to 28°45.460'S, 114°36.825'E (approximately 800 metres south); thence to 28°45.692'S, 114°36.680'E (approximately 490 metres south-westerly); thence to the starting point at 28°45.768'S, 114°36.511'E. All coordinates based on GDA 94.

Providing however that all water skiing activities take place in a water depth of 1.5m or greater, the direction of all water skiing activities shall be in an anti-clockwise direction and water skiing is only permitted within the daylight hours of sunrise to sunset.

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

MA403

WESTERN AUSTRALIAN MARINE ACT 1982
NAVIGABLE WATERS REGULATIONS 1958

WATER SKI AREA

Pages Beach

City of Greater Geraldton

Department of Transport,
Fremantle WA, 22 September 2017.

Acting pursuant to the powers conferred by Regulation 48A of the *Navigable Waters Regulations 1958*, I hereby set aside the following area of water for the purpose of water skiing—

Pages Beach: All those waters of Champion Bay bounded by a line commencing at 28°46.682'S, 114°34.735'E (on the foreshore approximately 400 metres west-south-west of Pages Beach groyne); thence to 28°46.325'S, 114°34.735'E (approximately 600 metres north); thence to 28°46.292'S, 114°34.952'E (approximately 360 metres easterly); thence to 28°46.577'S, 114°34.952'E (on the western edge of the groyne approximately 525 metres south) but excluding waters within 50 metres of the groyne. All coordinates based on GDA 94.

Providing however that all water skiing activities take place in a water depth of 1.5m or greater, except when taking off and landing on shore, the direction of all water skiing activities shall be in an anti-clockwise direction and water skiing is only permitted within the daylight hours of sunrise to sunset.

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

MA405

WESTERN AUSTRALIAN MARINE ACT 1982
RESTRICTED SPEED AREA—5 KNOTS

Geraldton Fishing Boat Harbour

City of Greater Geraldton

Department of Transport,
Fremantle WA, 22 September 2017.

Acting pursuant to the powers conferred by Section 67 of the *Western Australian Marine Act 1982*, I hereby cancel part (b) section (10) subsection (i) of notice number MH401 as published in the

Government Gazette on 25 October 1991 and limit the speed of all motorised vessels to eight (8) Knots within the following area—

Fishing Boat Harbour: All the inner waters of the Geraldton Fishing Boat Harbour bounded by a line across its entrance from 28°46.318'S, 114°35.563'E to 28°46.315'S, 114°35.607'E. All coordinates based on GDA94.

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

MA404

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

WATER SKI AREA

Town Beach

City of Greater Geraldton

Department of Transport,
Fremantle WA, 22 September 2017.

Acting pursuant to the powers conferred by Regulation 48A of the *Navigable Waters Regulations 1958*, I hereby cancel notice number MX402 as published in the *Government Gazette* on 2 October 2009 and set aside the following area of water for the purpose of water skiing—

Town Beach: Those waters of Champion Bay bounded by a line commencing at 28°46.342'S, 114°36.362'E (approximately 50 metres north-north-west of the Fitzgerald Street groyne); thence to 28°46.347'S, 114°36.269'E (approximately 150 metres west); thence to 28°46.216'S, 114°36.305'E (approximately 250 metres north-north-east); thence to 28°46.030'S, 114°36.380'E (approximately 365 metres north-north-east); thence to 28°45.950'S, 114°36.588'E (approximately 370 metres north-east); thence to 28°46.115'S, 114°36.512'E (approximately 330 metres south-south-west); thence to the starting point, and excluding waters within 50 metres of the Batavia Coast Marina main breakwater. All coordinates based on GDA94.

Providing however that all water skiing activities take place in a water depth of 1.5m or greater, the direction of all water skiing activities shall be in an anti-clockwise direction and water skiing is only permitted within the daylight hours of sunrise to sunset.

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

MA406

WESTERN AUSTRALIAN MARINE ACT 1982

CLOSED WATERS—MOTORISED VESSELS

Beresford Foreshore

City of Greater Geraldton

Department of Transport,
Fremantle WA, 22 September 2017.

Acting pursuant to the powers conferred by Section 66 of the *Western Australian Marine Act 1982*, I hereby cancel notice number TR403 as published in the *Government Gazette* on 10 February 2004 and close the waters to motorised vessels within the following area—

Beresford: All those waters of Champion Bay north of the Batavia Coast Marina bounded by the shore and a line from 28°45.770'S, 114°36.770'E to 28°45.669'S, 114°36.834'E. All coordinates based on GDA 94.

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

MA407

WESTERN AUSTRALIAN MARINE ACT 1982
CLOSED WATERS—MOTORISED VESSELS
 Town Beach
City of Greater Geraldton

Department of Transport,
 Fremantle WA, 22 September 2017.

Acting pursuant to the powers conferred by Section 66 of the *Western Australian Marine Act 1982*, I hereby cancel notice number MX403 as published in the *Government Gazette* on 2 October 2009 and close the waters to motorised vessels within the following area—

Town Beach: All those waters of Champion Bay bounded by a line from the end of the Fitzgerald Street groyne (28°46.366'S, 114°36.372'E) to 28°46.342'S, 114°36.362'E (approximately 50 metres north-north-westerly); thence to 28°46.115'S, 114°36.512'E (approximately 485 metres north-north-easterly); thence to 28°46.134'S, 114°36.542'E (on the main breakwater of the Batavia Coast Marina approximately 60 metres south-easterly). All coordinates based on GDA 94.

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

MA402

WESTERN AUSTRALIAN MARINE ACT 1982
NAVIGABLE WATERS REGULATIONS 1958
 WATER SKI AREA
 Drummonds Cove
Shire of Chapman Valley

Department of Transport,
 Fremantle WA, 22 September 2017.

Acting pursuant to the powers conferred by Regulation 48A of the *Navigable Waters Regulations 1958*, I hereby set aside the following area of water for the purpose of water skiing—

Drummonds Cove: All those waters of the Indian Ocean at Drummond Cove bounded by the shore and a line through 28°39.940'S, 114°36.761'E (on the foreshore approximately in line with Drummond Cove Road); thence due west 1000 metres to 28°39.940'S, 114°36.147'E; thence north-north-west approximately 900 metres to 28°39.462'S, 114°36.038'E; thence due east to the shore at approximately 28°39.462'S, 114°36.651'E. All coordinates based on GDA94.

Providing however that all water skiing activities take place in a water depth of 1.5m or greater, except when taking off and landing on shore, the direction of all water skiing activities shall be in an anti-clockwise direction and water skiing is only permitted within the daylight hours of sunrise to sunset.

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

MINERALS AND PETROLEUM

MP401

MINING ACT 1978
APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Mines and Petroleum,
 Karratha WA 6741.

In accordance with Regulation 49(2)(c) of the *Mining Regulations 1981*, notice is hereby given that the following licences are liable to forfeiture under the provision of Section 96(1)(a) of the *Mining Act 1978* for breach of covenant, being failure to comply with the prescribed expenditure conditions and/or non-compliance with the reporting provisions.

R. YOUNG, Warden.

To be heard by the Warden at Karratha on 2 November 2017.

WEST PILBARA MINERAL FIELD
Prospecting Licences

P 47/1659-S

Robinson, Diana

PARLIAMENT

PA401

PARLIAMENT OF WESTERN AUSTRALIA

Royal Assent to Bills

It is hereby notified for public information that the Governor has Assented in the name and on behalf of Her Majesty the Queen, on the dates shown, to the undermentioned Acts passed by the Legislative Council and the Legislative Assembly during the First Session of the Fortieth Parliament.

Title of Act	Date of Assent	Act No.
Petroleum Legislation Amendment Act 2017	14 September 2017	7 of 2017
Port Kennedy Development Act 2017	15 September 2017	8 of 2017

NIGEL PRATT, Clerk of the Parliaments.

15 September 2017.

PLANNING

PL402

PLANNING AND DEVELOPMENT ACT 2005
APPROVED TOWN PLANNING SCHEME AMENDMENT
Shire of Victoria Plains
 Town Planning Scheme No. 5—Amendment No. 1

Ref: TPS/2085

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 Victoria Plains Town Planning Scheme amendment on 27 July 2017 for the purpose of—

- 1.11 Deleting the following clauses from the Scheme text, as these clauses have been superseded by the deemed provisions set out in the *planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2—
- Parts 2, 7, 8, 9, 10 and 11 in their entirety;
 - Clause 5.9 and 5.10 in their entirety;
 - Schedules 6, 7, 8 and 9 in their entirety.
- 1.12 Inserting reference to the deemed provisions in the Preamble by—
- Including in the first paragraph after consists of this Scheme Text “the deemed provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2”;
 - Deleting in the first paragraph “Scheme text sets” and replacing with “deemed provisions set”.
- 1.13 Inserting reference to the deemed provisions and supplemental provisions in Part 1.4 by inserting new sub-clauses (b) and (c) and renumbering the sub-clauses accordingly—
- 1.4(b) the deemed provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2;
- 1.4(c) the supplemental provisions contained in Schedule A; and
- 1.14 Inserting Schedule A—Supplemental Provisions (following Schedule 7 Rural Residential Zones) and inserting the following provisions into the Schedule A—
- Clause 61(1)**
- (k) the erection or installation of a sign or advertisement of a class specified in Schedule 5 of this Scheme that applies in respect of the sign unless the sign is to be erected or installed—
 - (i) on a place included on a heritage list prepared in accordance with this Scheme; or
 - (ii) on land located within an area designated under this Scheme as a heritage area.
 - (l) the erection or extension of a single house on a lot if a single house is a permitted (“P”) use in the zone (where the R Codes do not apply) in which that lot is located, where the development standards set out in the Scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is—
 - (i) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
 - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or

- (iii) included on a heritage list prepared in accordance with this Scheme; or
 - (iv) within an area designated under the Scheme as a heritage area; or
 - (v) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29; or
 - (vi) entered in Schedule 7 and subject to a special condition that requires development approval.
- (m) the erection or extension of an outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house if a single house is a permitted (“P”) in the zone (where the R Codes do not apply) where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is—
- (i) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
 - (ii) the subject of an order under the *Heritage of Western Australia Act 1990* Part 6; or
 - (iii) included on a heritage list prepared in accordance with this Scheme; or
 - (iv) within an area designated under the Scheme as a heritage area; or
 - (v) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29.
- (n) the painting or application of render on external surfaces on any building or structure, except where the building or structure is—
- (i) located in a place that has been entered in the Register of Heritage Places under the *Heritage Act of Western Australia 1990*; or
 - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
 - (iii) included on the heritage list prepared in accordance with this Scheme; or
 - (iv) located within an area designated under the Scheme as a heritage area.
- (o) the demolition of any building or structure except where the building or structure is—
- (i) located in a place that has been entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
 - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
 - (iii) included on the heritage list prepared in accordance with this Scheme; or
 - (iv) located within an area designated under the Scheme as a heritage area.
- 1.15 Amending the following clauses by removing cross reference to the clause deleted by the amendment and replacing them with cross reference to the deemed provisions set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2—
- Clauses: 3.4.1: Part 7
 - Clause 3.4.2(a): clause 67
 - Clause 4.3.2 ‘A’: clause 64
 - Clause 4.3.3 Note 3: clause 67
 - Clause 4.4.2(b): clause 64
 - Clause 4.8(c): clause 80(1)
 - Clause 4.9.2: clause 64
 - Clause 5.4.2: clause 64
 - Clause 5.5.2(a): clause 64
 - Clause 5.5.3(a): clause 67
- 1.16 Delete reference to the following terms and replace them with the corresponding term throughout the scheme—
- ‘planning approval’ replaced with ‘development approval’;
 - Local Government Authority replaced with Local Government;
 - ‘council’ replaced with ‘local government’;
 - ‘outline development plan’ replaced with ‘structure plan’;
 - ‘Town Planning Scheme’ with ‘Local Planning Scheme’;
 - ‘Town Planning Regulations 1967’ replaced with ‘*Planning and Development (Local Planning Schemes) Regulations 2015*’;
 - Replacing *Planning and Development Act* with *Planning and Development Act 2005*.
- 1.17 Delete or amend use classes in Table 1—Zoning Table to more accurately reflect land use terms in Part 6 of the model provisions as follows—
- Replace ‘Short-stay accommodation’ with ‘Tourist development’
 - Modify ‘Restaurant’ to ‘Restaurant / café’
 - Modify ‘Showroom’ to ‘Bulky goods showroom’

- Modify ‘Fuel depot’ to ‘Transport depot’
 - Replace ‘Industry—Rural’ with ‘Industry—primary production’
 - Delete ‘Storage’
 - Modify ‘Warehouse’ to ‘Warehouse / storage’
 - Replace ‘Agroforestry’ with ‘Tree farm’
 - Modify ‘Rural pursuit’ to ‘Rural pursuit / hobby farm’
 - Re-order use classes to retain alphabetical sequence in the sub-sections.
- 1.18 Modifying Schedule 1—Dictionary of defined words and expressions to establish consistency with land use terms in Part 6 of Schedule 1 of the Regulations and to retain definitions from the *Town Planning Regulations 1967* where these terms are not reflected in the 2015 Regulations as follows—
- Modify the introductory paragraph to read ‘The general definitions and land use terms in Part 6 of the Model provisions for local planning schemes as current including any amendments apply’;
 - Delete the ‘Holiday accommodation’, ‘Rural Home Business’, ‘Short Stay Accommodation’, ‘Industry—hazardous’ and ‘Workers accommodation definitions’;
 - Add definitions for ‘Industry-cottage’, ‘Industry—general’, ‘Industry-service’, ‘Industry—mining’ as reflected in the repealed *Town Planning Regulations 1967*;
 - Add definitions for ‘lunch bar’ as follows “lunch bar means premises or part of premises used for the sale of takeaway food (in a form already to be consumed without further preparation) within industrial and commercial areas.”
 - Re-order definitions to retain alphabetical sequence.
- 1.19 Additional amendments to scheme provisions as follows—
- Replacing “moveable buildings” with “second-hand dwellings” at Clause 3.2 Objectives of the Zones, Residential Zone fourth dot point;
 - Deleting Clause 5.3(b) as it is inconsistent with the deemed provisions and renumbering the remaining clauses accordingly;
 - Deleting the reference to Part 4 in Clause 5.7, first paragraph and replacing it with Part 2 and Part 3;
 - Correcting the spelling of ‘verandahs’ in Clause 5.8.6 to ‘verandas’;
 - Include ‘2005’ after each reference to the *Planning and Development Act*;
 - Replacing ‘showroom’ with ‘bulky goods showroom’ and ‘industry—rural’ with ‘industry—primary production’ in Schedule 3—Restricted Uses RU1 paragraph 1 and 2 respectively;
 - Replacing ‘showrooms’ with ‘bulky goods showrooms’ and ‘warehouse’ with ‘warehouse/storage’ in Schedule 5.
- 1.20 Renumbering the scheme provisions and schedules sequentially and updating any cross referencing to the new clause numbers and deemed provisions as required.

D. LOVELOCK, President.
H. HAWKINS, Chief Executive Officer.

PL401

PLANNING AND DEVELOPMENT ACT 2005
GREATER BUNBURY REGION SCHEME AMENDMENT 0050/57
Lot 1 and Part Lot 9000 Boyanup-Picton Road, Picton East
Call for Public Submissions

The Western Australian Planning Commission (WAPC) is seeking public comment on a proposal to amend the Greater Bunbury Region Scheme (GBRS) in the City of Bunbury and the Shire of Dardanup.

The amendment proposes to rezone Lot 1 and Part of Lot 9000 Boyanup-Picton Road, Picton East from Rural Zone and Regional Open Space Reserve to Industrial Deferred Zone under the GBRS.

Display locations

The WAPC’s Amendment Report and plans showing the proposed changes are available for viewing online at www.dplh.wa.gov.au (Planning—Public Comment page); and at the following locations—

- Western Australian Planning Commission, Level 2, 140 William Street, Perth
- Department of Planning, Lands and Heritage, Level 6, 61 Victoria Street, Bunbury
- State Library of WA Perth Cultural Centre
- Municipal office of the—
 - City of Bunbury
 - Shire of Dardanup

Submissions

Submissions to support, object to, or provide comment on the proposed amendment should be made on a Form 57, which is available online and at the display locations.

Submissions can be lodged online to Bunbury.Planning@planning.wa.gov.au or by post to: The Secretary, Western Australian Planning Commission, Level 6, 61 Victoria Street, Bunbury WA 6230.

Submissions must be received by 5.00pm, Tuesday 21 November 2017. Late submissions will not be considered.

KERRINE BLENKINSOP, Secretary,
Western Australian Planning Commission.

PREMIER AND CABINET

PR401**INTERPRETATION ACT 1984**
MINISTERIAL ACTING ARRANGEMENTS

It is hereby notified for public information that the Governor, in accordance with Section 12(e) of the *Interpretation Act 1984* has approved the following temporary appointment—

Hon R. Saffioti MLA to act temporarily in the office of Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement in the absence of the Hon W. J. Johnston MLA for the period 24 September to 1 October 2017 (both dates inclusive).

D. FOSTER, Director General,
Department of the Premier and Cabinet.

PR402**INTERPRETATION ACT 1984**
MINISTERIAL ACTING ARRANGEMENTS

It is hereby notified for public information that the Governor in accordance with Section 12(c) of the *Interpretation Act 1984* has approved the following temporary appointment—

Hon R. H. Cook MLA to act temporarily in the office of Premier; Minister for Public Sector Management; State Development, Jobs and Trade; Federal-State Relations in the absence of the Hon M. McGowan MLA for the period 8 to 19 November 2017 (both dates inclusive).

This notice supersedes acting arrangements relating to the above office that were published in *Government Gazette* No. 175 of 8 September 2017.

D. FOSTER, Director General,
Department of the Premier and Cabinet.

DECEASED ESTATES

ZX401**TRUSTEES ACT 1962**
DECEASED ESTATES**Notice to Creditors and Claimants**

Dorothy May Crosby, late of 4 Marsh Way, Lower King, 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 the 23rd day of April 2017, are required by the Administrator of the late Dorothy May Crosby c/- Haynes Robinson Lawyers of PO Box 485, Albany, Western Australia 6331 to send particulars of their claims to them within one (1) month from the date of publication of this notice, after which date the Administrator may convey or distribute the assets, having regard only to the claims of which it then has notice.

Dated this 14th day of September 2017.

HAYNES ROBINSON.

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

Notice to Creditors and Claimants

Anne Margaret Richmond, late of 75 Clement Drive, Karrinyup in the State of Western Australia, Retired Child Health Nurse, 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 6 June 2017, are required by the Executors, Fiona Jayne O'Sullivan and Gerard Francis O'Sullivan, to send particulars of their claims within 30 days of publication of this notice, to the Executors, 8 Nookawarra Place, Kelmscott WA 6111, after which date the Executors may convey or distribute the assets, having regard only to the claims of which they then have notice.

Dated: 18 September 2017.

ZX403**TRUSTEES ACT 1962****DECEASED ESTATES**

Notice to Creditors and Claimants

Vincenzo Rigoli, late of 23 Marian Street, Leederville, 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 8 February 2017, are required by the personal representative to send particulars of their claims to him/her care of IRDI Legal, 248 Oxford Street, Leederville, Western Australia 6007 by 23 October 2017, after which date the personal representative may convey or distribute the assets having regard to the claims of which he/she then has notice.

IRDI Legal as solicitors for the personal representative.

ZX404**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 Estates of the undermentioned deceased persons are required to send particulars of their claims to me on or before 22 October 2017, after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Buckley, Myra Miriam, late of Margaret Hubery House, 36 Fifth Avenue, Rossmoyne WA 6148, who died on 24 March 2017 (DE19763110 EM17).

Hawke, Betty Roseleen, late of 15 Scott Street, York WA 6302, who died on 15 July 2017 (DE19943797 EM36).

Maule, Ellen Alice McKay, late of Regents Garden Four Seasons, 495 Marmion Street, Booragoon WA 6154, who died on 16 July 2017 (DE19914568 EM26).

Mutch, James, late of 4/55 Connelly Street, Kellerberrin WA 6410, who died on 22 November 2010 (PM33062745 TM52).

Passfield, Alfred James, also known as Jim Passfield, late of 7 Chisholm Way, Balga WA 6061, who died on 25 July 2017 (DE33146245 EM213).

Pluciennik, Zigmund, also known as Zigmund Plucennek, also known as Zygmunt Pluciennik, also known as Siegmund Pluciennic, late of 5 Kemp Place, Rivervale WA 6103, who died on 25 May 2015 (DE33113893 EM38).

Pye, Marjorie Edith Florence, late of 20 Ray Avenue, Busselton WA 6280, who died on 18 June 2017 (DE19793646 EM24).

Timmerman, Carla, late of 254 George Road, Geraldton WA 6530, who died on 3 August 2017 (DE19762513 EM23).

Tylor, Jeffrey, late of Peter Arney Nursing Home, 1 Gentilli Way, Salter Point WA 6152, who died on 3 November 2016 (PM33086067 TM53).

BRIAN ROCHE, Public Trustee,
553 Hay Street, Perth WA 6000.
Telephone: 1300 746 212

ZX405

PUBLIC TRUSTEE ACT 1941
ADMINISTERING OF ESTATES

Notice is hereby given that pursuant to Section 14 of the *Public Trustee Act 1941* and amendments the Public Trustee has elected to administer the estates of the undermentioned deceased persons.

Dated at Perth the 22nd day of September 2017.

-
- Andrews, Shirley Elizabeth, late of 17/19 Hughie Edwards Drive, Merriwa WA 6030, who died 31/03/2017. Date of Election 28/06/2017. (DE 19972248 EM26).
- Bartlett, Leonard Harold, late of 35 Swan Street, Mosman Park WA 6012, who died 11/02/2017. Date of Election 31/08/2017. (DE 33115575 EM16).
- Fisher, Alexander Alfred, late of 12 Regency Avenue, Madeley WA 6065, who died 29/04/2017. Date of Election 27/07/2017. (DE 33074337 EM36).
- Griffin, Noel Douglas, late of Italian Community Nursing Home, 33 Kent Road, Marangaroo WA 6064, who died 31/08/2016. Date of Election 12/09/2017. (DE 33050172 EM37).
- Landsdown, Leila Margaret, late of Nazareth House Geraldton, Bluff Point WA 6530, who died 10/05/2017. Date of Election 03/08/2017. (DE 19550848 EM35).
- MacDonald, Charlotte Patricia, late of Murray Homes, 16-18 Deerness Way, Armadale WA 6112, who died 29/01/2017. Date of Election 16/06/2017. (DE 19750779 EM26).
- Marshall, John McGarvie, late of 2 Glamis Place, Perth, Scotland UK, who died 11/01/2016. Date of Election 13/09/2017. (DE 33116029 EM36).
- McMahon, Michael Edmond, late of 171 Albert Street, Osborne Park WA 6017, who died 26/01/2017. Date of Election 22/06/2017 (DE 19760387 EM16).
- Middleton-White, Joan Rona, late of 6 Tighe Street, Jolimont WA 6014, who died 01/04/2017. Date of Election 11/07/2017. (DE 33075356 EM36).
- Morgan, Herbert George, late of 65 Sewell Street, East Fremantle WA 6158, who died 19/07/2017. Date of Election 28/06/2017. (DE 19915014 EM26).
- Parrott, Anne Eileen, late of 183 Forrest Hills Parade, Bindoon WA 6502, who died 19/01/2017. Date of Election 29/06/2017. (DE 20000302 EM35).
- Rankin, Robert, late of Banksia Park Aged Care, 239/124 Sixty Eight Road, Baldivis WA 6171, who died 01/12/2016. Date of Election 12/09/2017. (DE 19981076 EM23).
- Sherrock, Dorothy Harriet Jocelyn, late of RAAF Merriwa, 19 Hughie Edwards Drive, Merriwa WA 6030, who died 05/10/2016. Date of Election 28/06/2017. (DE 33009533 EM36).
- Tuckey, Kevin Bruce, late of 441 Rokeby Road, Subiaco WA 6008, who died 14/12/2016. Date of Election 16/06/2017. (DE 33073741 EM26).
- Turner, Gail, (also known as Gail Miller), late of U 217c / 93 Thomas Street, Subiaco WA 6008, who died 06/09/2016. Date of Election 17/08/2017. (DE 33089480 EM17).

BRIAN ROCHE, Public Trustee,
553 Hay Street, Perth WA 6000.
Telephone: 1300 746 212