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PUBLISHING ALTERATIONS

Periodically the normal *Gazette* publishing times need to be altered to cater for disruption caused by public holidays.

- Easter and Christmas holidays cause disruption each year.
- Australia Day and Anzac Day cause disruption when they fall on a Tuesday or Friday.

In these instances, notices warning of the change are generally published on page 2 for approximately 4 weeks prior to the date.

Readers are urged to check *Gazettes* accordingly, prior to contacting State Law Publisher.

JOHN A. STRIJK, Government Printer.

— PART 1 —

CONSERVATION

CO301*

Conservation and Land Management Act 1984

Conservation and Land Management Amendment Regulations 2004

Made by the deputy of the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Conservation and Land Management Amendment Regulations 2004*.

2. The regulations amended

The amendments in these regulations are to the *Conservation and Land Management Regulations 2002**.

[* *Published in Gazette 3 May 2002, pp. 2233-308.*

For amendments to 15 March 2004 see Western Australian Legislation Information Tables for 2003, Table 4, p. 52.]

3. Part 6A inserted

After section 80 the following Part is inserted —

“

Part 6A — Management plans

81. Purposes of reserves

For the purposes of section 55(1a) of the Act, the other purposes for which an indigenous State forest or timber reserve may be reserved include —

- (a) the removal of water from the reserved land;
- (b) the storage of water on the reserve;
- (c) the removal of water from the reserve.

”.

By Command of the deputy of the Governor,

ROD SPENCER, Clerk of the Executive Council.

HEALTH

HE301*

Hospitals and Health Services Act 1927

**Hospitals (Services Charges) Amendment
Regulations (No. 2) 2004**

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Hospitals (Services Charges) Amendment Regulations (No. 2) 2004*.

2. The regulations amended

The amendments in these regulations are to the *Hospitals (Services Charges) Regulations 1984**.

[* Reprinted as at 7 December 2001.

For amendments to 2 April 2004 see *Western Australian Legislation Information Tables for 2003, Table 4, p. 184-5, and Gazette 13 February 2004.*]

3. Schedule amended

The Schedule is amended in Part I item 1 as follows:

- (a) in paragraph (c) by deleting “\$33.15 per day” and inserting instead —
“ \$33.90 per day ”;
- (b) in paragraph (d) by deleting “\$107.85 per day” and inserting instead —
“ \$108.60 per day ”.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

HE302*

Hospitals and Health Services Act 1927

Hospitals and Health Services (Private Psychiatric Hostels) Exemption Order 2004

Made by the deputy of the Governor in Executive Council under sections 26O(3) and 26Q of the Act.

1. Citation

This order may be cited as the *Hospitals and Health Services (Private Psychiatric Hostels) Exemption Order 2004*.

2. Interpretation

In this order —

“**hostel**” has the same meaning as it has for the purposes of the regulations;

“**regulations**” means the *Hospitals (Licensing and Conduct of Private Psychiatric Hostels) Regulations 1997*.

3. Hostels listed in Schedule 1 exempt from regulations 8(2), 10 and 12

The hostels listed in Schedule 1 are exempt from regulations 8(2), 10 and 12 of the regulations.

Schedule 1 — List of private psychiatric hostels

[cl. 3]

| Hostel | Licence holder |
|---|------------------------------------|
| 21 and 23 Walton Street, Queens Park | The Richmond Fellowship of WA Inc. |
| Mann Way, 4 and 6 Mann Way, Bassendean | The Richmond Fellowship of WA Inc. |

By Command of the deputy of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

LOCAL GOVERNMENT

LG301*

LOCAL GOVERNMENT ACT 1995*City of Armadale***EXTRACTIVE INDUSTRIES AMENDMENT LOCAL LAWS 2004**

Pursuant to its powers under the *Local Government Act 1995* and all other powers the Council of the City of Armadale has resolved to make the following local laws.

Citation

1 These Local Laws may be cited as the *City of Armadale Extractive Industries amended Local Laws 2004*.

Principal Local Laws

2 In these Local Laws, the City of Armadale Extractive Industries Local laws 2000 (published in *Government Gazette* (Special) No. 193 of 13 December 2000) are referred to as the principal local laws.

Clause 2.3(3) amended

3 Clause 2.3(3) is amended by deleting "*The local government may exempt a person making application for a license under subclause (1) from providing any of the data otherwise required under subclause (1), if in the opinion of the local government, the location and size of the proposed excavation are such that no significant adverse environmental affects will result therefrom*";

and replacing with

"*Where in relation to a proposed excavation—*

(a) the surface area is not to exceed 2000m²; and

(b) the extracted material is not to exceed 2000m³

the local government may exempt a person making application for a license under subclause (1) from applying any of the data specified in paragraphs (b), (d) and (i) of subclause (1)".

Passed by resolution of Special Majority of the Council on 2nd February 2004.

The Common Seal of the City of Armadale was hereunder affixed on this 23rd day of April 2004 in the presence of—

J. H. MUNN, JP, CMC, Acting Mayor.

R. S. TAME, Chief Executive Officer.

— PART 2 —

FISHERIES

FI401*

FISH RESOURCES MANAGEMENT ACT 1994

PROHIBITION ON TAKING LEAFY SEADRAGONS REVOCATION ORDER 2004

Order No. 10 of 2004

FD 1620/98 [627]

Made by the Minister under section 43.

Citation

1. This order may be cited as the *Prohibition on Taking Leafy Seadragons Revocation Order 2004*.

Revocation

2. The *Prohibition on Taking Leafy Seadragons Notice 1991*, published in the *Government Gazette* of 29 November 1991 and which continued in force under regulation 186 of the *Fish Resources Management Regulations 1995* as if it was an order made under section 43 of the Act, is revoked.

Dated this 22nd day of April 2004.

KIM CHANCE, Minister for Agriculture,
Forestry and Fisheries.

FI402*

FISH RESOURCES MANAGEMENT ACT 1994

PROHIBITION ON TAKING POTATO COD REVOCATION ORDER 2004

Order No. 9 of 2004

FD 1620/98 [626]

Made by the Minister under section 43.

Citation

1. This order may be cited as the *Prohibition on Taking Potato Cod Revocation Order 2004*.

Revocation

2. The *Prohibition on Taking Potato Cod Notice 1992*, published in the *Government Gazette* of 17 July 1992 and which continued in force under regulation 186 of the *Fish Resources Management Regulations 1995* as if it was an order made under section 43 of the Act, is revoked.

Dated this 22nd day of April 2004.

KIM CHANCE, Minister for Agriculture,
Forestry and Fisheries.

FI403*

FISH RESOURCES MANAGEMENT ACT 1994

PROHIBITION ON TAKING WHALE SHARKS REVOCATION ORDER 2004

Order No. 11 of 2004

FD 1620/98 [628]

Made by the Minister under section 43.

Citation

1. This order may be cited as the *Prohibition on Taking Whale Sharks Revocation Order 2004*.

Revocation

2. The *Prohibition on Taking Whale Sharks Notice 1995*, published in the *Government Gazette* of 27 June 1995 and which continued in force under regulation 186 of the *Fish Resources Management Regulations 1995* as if it was an order made under section 43 of the Act, is revoked.

Dated this 22nd day of April 2004.

KIM CHANCE, Minister for Agriculture,
Forestry and Fisheries.

HEALTH

HE401***POISONS ACT 1964****POISONS (AUTHORIZED POSSESSION OF SUBSTANCES)
AMENDMENT ORDER 2004**

Made by the Governor in Executive Council under section 41 of the Act.

Citation

1. This order may be cited as the *Poisons (Authorized Possession of Substances) Amendment Order 2004*.

Commencement

2. This order comes into operation on the day on which it is published in the *Gazette*.

Principal order

3. In this order the *Poisons (Authorized Possession of Substances) Order (No. 4) 2002** is referred to as the principal order.

[*Published in *Gazette* 24 September 2002, pp. 4775]

Clause 4 amended

4. Clause 4 of the principal order is amended by deleting the table to that clause and substituting the following—

“

Table

Alan Richardson, Manager Drugs of Abuse Testing, Chemical Pathology Laboratory, Western Diagnostic Pathology at 74 McCoy Street, Myaree.

Tyren Edwards, Senior Scientist Drug Laboratory, Chemical Pathology Laboratory, Western Diagnostic Pathology at 74 McCoy Street, Myaree.”

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

HE402***POISONS ACT 1964****POISONS (AUTHORIZED POSSESSION OF SUBSTANCES)
AMENDMENT ORDER (NO. 2) 2004**

Made by the Governor in Executive Council under section 41 of the Act.

Citation

1. This order may be cited as the *Poisons (Authorized Possession of Substances) Amendment Order (No. 2) 2004*.

Commencement

2. This order comes into operation on the day on which it is published in the *Gazette*.

Principal order

3. In this order the *Poisons (Authorized Possession of Substances) Order (No. 6) 2002** is referred to as the principal order.

[*Published in *Gazette* 24 September 2002, pp. 4776-4777 and amended in *Gazette* 20 May 2003, pp. 1795.]

Clause 4 amended

4. Clause 4 of the principal order is amended by deleting the table to that clause and substituting the following—

“

Table

Paul Eden, veterinary surgeon, Perth Zoo, Labouchere Road, South Perth.

Cree Monaghan, veterinary surgeon, Perth Zoo, Labouchere Road, South Perth.

Karen Payne, veterinary surgeon, Perth Zoo, Labouchere Road, South Perth.

Simone Vitali, veterinary surgeon, Perth Zoo, Labouchere Road, South Perth.

Kristin Warren, veterinary surgeon, Perth Zoo, Labouchere Road, South Perth.

”.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

HE403***POISONS ACT 1964**

POISONS (AUTHORIZED POSSESSION OF SUBSTANCES)
AMENDMENT ORDER (NO. 3) 2004

Made by the Governor in Executive Council under section 41 of the Act.

Citation

1. This order may be cited as the *Poisons (Authorized Possession of Substances) Amendment Order (No. 3) 2004*.

Commencement

2. This order comes into operation on the day on which it is published in the *Gazette*.

Principal order

3. In this order the *Poisons (Authorized Possession of Substances) Order (No. 7) 2002** is referred to as the principal order.

[*Published in *Gazette* 24 September 2002, pp. 4777]

Clause 4 amended

4. Clause 4 of the principal order is amended by deleting the table to that clause and substituting the following—

“

Table

James Fisher, prison officer, Canine Section, Hakea Complex.

Robert Hands, prison officer, Canine Section, Hakea Complex.

Chris Harper, prison officer, Canine Section, Hakea Complex.

Janice Keelan, prison officer, Canine Section, Hakea Complex.

Phillip Leonard, prison officer, Canine Section, Hakea Complex.

Glen Marriott, prison officer, Canine Section, Hakea Complex.

Gail Raven, prison officer, Canine Section, Hakea Complex.

Mark Sheehan, prison officer, Canine Section, Hakea Complex.

”.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

HE404***POISONS ACT 1964**

POISONS (AUTHORIZED POSSESSION OF SUBSTANCES)
AMENDMENT ORDER (NO. 4) 2004

Made by the Governor in Executive Council under section 41 of the Act.

Citation

1. This order may be cited as the *Poisons (Authorized Possession of Substances) Amendment Order (No. 4) 2004*.

Commencement

2. This order comes into operation on the day on which it is published in the *Gazette*.

Principal order

3. In this order the *Poisons (Authorized Possession of Substances) Order (No. 9) 2002** is referred to as the principal order.

[*Published in Gazette 24 September 2002, pp. 4779]

Clause 4 amended

4. Clause 4 of the principal order is amended by deleting the table to that clause and substituting the following—

“

| Table | |
|--|----|
| Kevin Ian Tinley , police officer, 60 Beaufort Street, Perth. | |
| James Gilmour Wilson , police officer, 60 Beaufort Street, Perth. | ”. |

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

HE405***POISONS ACT 1964**POISONS (AUTHORIZED POSSESSION OF SUBSTANCES)
AMENDMENT ORDER (NO. 5) 2004

Made by the Governor in Executive Council under section 41 of the Act.

Citation

1. This order may be cited as the *Poisons (Authorized Possession of Substances) Amendment Order (No. 5) 2004*.

Commencement

2. This order comes into operation on the day on which it is published in the *Gazette*.

Principal order

3. In this order the *Poisons (Authorized Possession of Substances) Order (No. 11) 2002** is referred to as the principal order.

[*Published in Gazette 24 September 2002, pp. 4781-4782 and amended in Gazettes 10 January 2003, pp. 35 and 20 May 2003, pp. 1794]

Clause 4 amended

4. Clause 4 of the principal order is amended by deleting the table to that clause and substituting the following—

“

| Table | |
|---|----|
| Paul Gerard Beveridge , police officer, Canine Section, Western Australia Police Service, 2 Swanbank Road, Maylands. | |
| James Antony Hill , police officer, Canine Section, Western Australia Police Service, 2 Swanbank Road, Maylands. | |
| Todd Justin Littmann , police officer, Canine Section, Western Australia Police Service, 2 Swanbank Road, Maylands. | |
| Barry Francis Staple , police officer, Canine Section, Western Australia Police Service, 2 Swanbank Road, Maylands. | ”. |

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

HE406**MEDICAL ACT 1894**

MEDICAL (UNMET AREA OF NEED) DETERMINATION (NO. 16) 2004

Made by the Minister for Health pursuant to section 11AF of the *Medical Act 1894*.

Citation

1. This determination may be cited as the *Medical (Unmet Area of Need) Determination (No. 16) 2004*.

Commencement

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

Unmet area of need

3. The area of need specified in the Schedule is determined to be an unmet area of need for the purposes of section 11AF(1)D of the Act.

Expiry of determination

4. This determination expires five (5) years after its commencement.

Schedule

- General Medical Services in the following areas—
 - Shire of Carnamah
 - Shire of Mingenew
 - Shire of Morawa
 - Shire of Perenjori
 - Shire of Three Springs

Dated this 25th day of April 2004.

JIM MCGINTY MLA, Minister for Health.

HE407**MEDICAL ACT 1894****MEDICAL (UNMET AREA OF NEED) DETERMINATION (NO. 17) 2004**

Made by the Minister for Health pursuant to section 11AF of the *Medical Act 1894*.

Citation

1. This determination may be cited as the *Medical (Unmet Area of Need) Determination (No. 17) 2004*.

Commencement

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

Unmet area of need

3. The area of need specified in the Schedule is determined to be an unmet area of need for the purposes of section 11AF(1)D of the Act.

Expiry of determination

4. This determination expires two (2) years after its commencement.

Schedule

- Radiology Services for the Bentley Hospital, Armadale Kelmscott District Memorial Hospital and the suburb of Midland in the City of Swan.

Dated this 25th day of April 2004.

JIM MCGINTY MLA, Minister for Health.

HE408**MEDICAL ACT 1894****MEDICAL (UNMET AREA OF NEED) DETERMINATION (NO. 18) 2004**

Made by the Minister for Health pursuant to section 11AF of the *Medical Act 1894*.

Citation

1. This determination may be cited as the *Medical (Unmet Area of Need) Determination (No. 18) 2004*.

Commencement

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

Unmet area of need

3. The area of need specified in the Schedule is determined to be an unmet area of need for the purposes of section 11AF(1)D of the Act.

Expiry of determination

4. This determination expires five (5) years after its commencement.

Schedule

- Radiology Services in the City of Geraldton.

Dated this 25th day of April 2004.

JIM MCGINTY MLA, Minister for Health.

HE409**MEDICAL ACT 1894****MEDICAL (UNMET AREA OF NEED) DETERMINATION (NO. 19) 2004**

Made by the Minister for Health pursuant to section 11AF of the *Medical Act 1894*.

Citation

1. This determination may be cited as the *Medical (Unmet Area of Need) Determination (No. 19) 2004*.

Commencement

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

Unmet area of need

3. The area of need specified in the Schedule is determined to be an unmet area of need for the purposes of section 11AF(1)D of the Act.

Expiry of determination

4. This determination expires five (5) years after its commencement.

Schedule

- Radiology Services in the following areas—
 - Town of Port Hedland
 - Shire of Ashburton
 - Shire of East Pilbara
 - Shire of Roebourne

Dated this 25th day of April 2004.

JIM MCGINTY MLA, Minister for Health.

HE410**MEDICAL ACT 1894****MEDICAL (UNMET AREA OF NEED) DETERMINATION (NO. 20) 2004**

Made by the Minister for Health pursuant to section 11AF of the *Medical Act 1894*.

Citation

1. This determination may be cited as the *Medical (Unmet Area of Need) Determination (No. 20) 2004*.

Commencement

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

Unmet area of need

3. The area of need specified in the Schedule is determined to be an unmet area of need for the purposes of section 11AF(1)D of the Act.

Expiry of determination

4. This determination expires five (5) years after its commencement.

Schedule

- General Medical Services in the Shire of Esperance.

Dated this 25th day of April 2004.

JIM MCGINTY MLA, Minister for Health.

HE411

MEDICAL ACT 1894**MEDICAL (UNMET AREA OF NEED) DETERMINATION (NO. 21) 2004**

Made by the Minister for Health pursuant to section 11AF of the *Medical Act 1894*.

Citation

1. This determination may be cited as the *Medical (Unmet Area of Need) Determination (No. 21) 2004*.

Commencement

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

Unmet area of need

3. The area of need specified in the Schedule is determined to be an unmet area of need for the purposes of section 11AF(1)D of the Act.

Expiry of determination

4. This determination expires five (5) years after its commencement.

Schedule

- General Medical Services in the following areas—
 - Shire of Plantagenet
 - Shire of Cranbrook

Dated this 25th day of April 2004.

JIM McGINTY MLA, Minister for Health.

LOCAL GOVERNMENT

LG401*

BUSH FIRES ACT 1954

Shire of Dumbleyung

APPOINTMENTS

The following have been appointed as Bush Fire Control Officers for the Shire of Dumbleyung in accordance with the Bush Fires Act 1954.

Bush Fire Control Officer Appointments for 2004-05 Season

Chief Fire Control Officer—Mr. Norm Matthews
 Deputy Fire Control Officer—Mr. Jamie Dare
 Chief Fire Weather Officer—Mr. Norm Matthews
 Deputy Fire Weather Officer—Mr. Jamie Dare
 Advisory Committee & Fire Weather Officers
 CFCO Norm Matthews
 DCFCO Jamie Dare
 H Joyce
 P O'Neill
 G Gooding
 Cr G Davidson

Special Permit Officers

CFCO Norm Matthews
 Cr G Davidson
 G Gooding

Bin Officers

Dumbleyung—T Ward & J Dare
 Moulyinning—G Gooding & M Mott
 Kukerin—H Joyce & D Smith
 Tarin Rock—P O'Neill & J Clarke

IVAN V. CRAVEN, Chief Executive Officer

LG402**LOCAL GOVERNMENT ACT 1995***Shire of Greenough***APPOINTMENTS**

It is hereby notified for public information that Mr Daryl Wesley Park has been appointed as Fire Control Officer and Permit Issuing Officer for the Shire of Greenough effective from 27 April 2004.

W. T. PERRY, Chief Executive Officer.

LG403**Shire of Ravensthorpe***APPOINTMENT OF RANGER**

It is hereby notified for public information that Stuart Hopwood has been appointed by the Council of the Shire of Ravensthorpe as an authorised officer to enforce the Acts, Regulations, Provisions of the following—

1. Dog Act 1976 and Regulations
2. Litter Act 1979 and Regulations 1981
3. Control of Vehicles (Off Road Areas) 1978 and Regulations 1979
4. Bush Fires Act 1954 and Regulations
5. Caravan Park and Camping Grounds Act 1995 and Regulations
6. Local Government Act 1995—Part 3, Division 3, Subdivision 2, and Subdivision 4; Part 9, Division 2, Sections 9.11, 9.13, 9.16
7. Local Government (Miscellaneous Provisions) Act 1960—Part XX as Pound Keeper and Ranger appointed under Section 449
8. Dogs (Restricted Breeds) Regulations 2002

All previous authorisations for Christopher Michael Carey are hereby cancelled.

STUART A. TAYLOR, Chief Executive Officer

LG404**Shire of Ravensthorpe***APPOINTMENT OF REGISTRATION OFFICERS**

It is hereby notified for public information that the following persons have been appointed by the Council of the Shire of Ravensthorpe as Dog Registration Officers—

Stuart Hopwood Angela Graham

The appointments of Christopher Michael Carey and Kylie Edwards as Dog Registration Officers are hereby cancelled.

STUART A. TAYLOR, Chief Executive Officer.

LG405**LOCAL GOVERNMENT ACT 1995****LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996***Shire of Three Springs*

Notice pursuant to schedule 6.3 of the Local Government Act 1995 of Sale of Land for the non payment of outstanding rates.

Notice is hereby given that, under section 6.64 of the Local Government Act 1995, as rates have been owing for a period of at least (3) years the Shire of Three Springs is to take possession of the land, and in accordance with that section intends to cause the land to be transferred to the Shire of Three Springs on 30th June 2004.

Signed for and on behalf of the Shire of Three Springs, this 30th April 2004.

G. J. LITTLE, Chief Executive Officer.

MEDICAL BOARD OF WA

MX401

MEDICAL ACT 1894

THE MEDICAL BOARD OF WESTERN AUSTRALIA

Orders of the Board

Inquiry No: 1717

Date Heard: 31 March 2004, 1 April 2004 and 2 April 2004

Date Delivered: 2 April 2004

In the matter of Dr John Michael Vujcich and in the matter of an Inquiry conducted by the Medical Board of Western Australia pursuant to Section 13 of the Medical Act.

Before: Professor C. A. Michael AO, MD, FRCOG, FRACOG, DDU; Ms P. Giles BA LLB Hons; Associate Professor G. Riley MRC Psych., FRACGP, FRANZCP; Professor B. A. R. Stokes AM, MBBS, FRACS; Ms A. White.

Upon hearing Ms W. S. Buckley, Counsel Assisting the Medical Board, and Mr A. S. Derrick, Counsel for Dr John Michael Vujcich, on the allegations contained in the Notice of Inquiry issued 26 August 2003 and as amended on 31 March 2004, the Board finds and orders that—

1 Findings

- 1.1 Dr John Michael Vujcich is guilty of gross carelessness as alleged in paragraph 1 of the Amended Notice of Inquiry.
- 1.2 Dr John Michael Vujcich is guilty of incompetence as alleged in paragraph 2 of the Amended Notice of Inquiry.
- 1.3 Dr Vujeich is guilty of gross carelessness as alleged in paragraph 4 of the Amended Notice of Inquiry with respect to the performance of the left oophorectomy.

2 Orders

- 2.1 That Dr John Michael Vujcich be reprimanded.
- 2.2 That Dr John Michael Vujcich be fined \$ 10,000.00.
- 2.3 That the following condition be imposed upon his practice of medicine for a period of two years commencing on 2 April 2004—
All patients under the age of 35 years whom Dr John Michael Vujcich considers require hysterectomy, or where hysterectomy is indicated, be referred for a second gynaecological opinion and for psychological assessment and counselling.
- 2.4 Dr John Michael Vujcich be responsible for 75 percent of the costs of this Inquiry.

Dated the 28th day of April 2004.

SIMON HOOD, Registrar.

PARLIAMENT

PA401*

PARLIAMENT OF WESTERN AUSTRALIA

Bills Assented To

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 Bills passed by the Legislative Council and the Legislative Assembly during the Second Session of the Thirty-Sixth Parliament.

| Short Title of Bill | Date of Assent | Act No. |
|-----------------------------------|----------------|-----------|
| Criminal Code Amendment Bill 2004 | April 23 2004 | 4 of 2004 |
| Electricity Industry Bill 2004 | April 23 2004 | 5 of 2004 |

L. B. MARQUET, Clerk of the Parliaments.

April 29 2004.

PLANNING AND INFRASTRUCTURE

PI401*

WESTERN AUSTRALIAN PLANNING COMMISSION ACT 1985

CANCELLATION OF DELEGATION TO
CITY RAIL DEVELOPMENT COMMITTEE

Files: 970-1-1-64; 970-1-1-3

Notice is hereby given that the Western Australian Planning Commission hereby cancels its delegation of powers and functions to the *City Rail Development Committee* notice of which delegation was published in pages 6049-6050 of the *Government Gazette* of 20 December 2002.

IAN PATTERSON, Secretary,
Western Australian Planning Commission.

PI402

TOWN PLANNING AND DEVELOPMENT ACT 1928

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

Town of Kwinana

Town Planning Scheme No. 2—Amendment No. 85

Ref: 853/2/26/3 Pt 85

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 (as amended) that the Hon Minister for Planning and Infrastructure approved the Town of Kwinana Town Planning Scheme Amendment on 24 April 2004 for the purpose of—

1. Modifying Part IV Policies, Zones and Development Areas—subclause 4.3 Policies to rename Area 19—Leda to Leda/Wellard and including the following modifications to the Policy Statement—

Area 19—Leda/Wellard

Whereas the area has been set aside for urban extensions to Kwinana Town and whereas the area includes the Leda Conservation Reserve and Bush Forever sites and whereas portions of the area have been developed for various residential forms and whereas development constraints and community aspirations need to be considered, the following planning policy shall apply—

- (a) Subdivision and development shall be designed based on the principles contained within Liveable Neighbourhoods and Transit Orientated Design and achieve mixed-use Neighbourhood Centres.
 - (b) Subdivision and development shall be in accordance with a Structure Plan and associated documentation approved by the Council and the Western Australian Planning Commission, incorporating the following design objectives—
 - Council shall support a wide range of residential lot sizes and development designs in accordance with the approved Structure Plan.
 - The north-south chain of wetlands shall be integrated into the neighbourhood design and set aside as open space.
 - The recreation slow-ways forming part of the townsite linear parkland system shall be provided for in the Structure Plan and subdivision layout.
 - A central access spine focussing on the Neighbourhood Centre and transit precinct.
 - (c) Subdivision design and works should be carried out in such a manner as to retain any feature, specifically the undulating landform, ridgelines and vegetation, which Council considers is practicable to and worthy of preservation.
 - (d) Subdivision and development shall be established in such a manner as to avoid contamination of wetland bodies from stormwater and leachates and to minimise intrusion into environmentally sensitive areas.
 - (e) Extractive industry is not permitted.
2. To include portions of Pt Lot 254 Blacksmith Drive, Pt Lot 271 Leda Boulevard and Pt Lot 242 Silversmith Street, Lot 272 Leda Boulevard and Pt Lot 277 Gilmore Ave within the Fourth Schedule Residential Development Areas, as follows—

| Area, No. | Special Provisions |
|--------------------|---|
| 2. Wellard Village | 1. The Council, in considering any application for development or making recommendations to the Commission on applications for the subdivision of land, shall have regard to a Local Structure Plan which has been prepared and adopted in accordance with the provisions of the Fourth Schedule of the Scheme. |

| Area, No. | Special Provisions |
|-----------|---|
| 2. | A Structure Plan shall be lodged for Council approval as an Application for Planning Approval in accordance with Clause 2.1.1 of the Scheme and Council using discretionary powers available to it under the Scheme, may determine the matter in accordance with Clauses 2.4.1, 2.4.2, 2.4.4 and 2.4.5 of the Scheme. |
| 3. | Prior to consideration and adoption a Local Structure Plan shall be advertised in accordance with Clauses 2.3.1, 2.3.3, 2.3.4 and 2.3.5 of the Scheme, except that submission may be made to the Council within 42 days of the commencement of advertising. |
| 4. | Council shall determine the application for planning approval of a Local Structure Plan within 90 days of receipt of the application and the provisions of Clauses 2.5.2 and 2.5.3 'Deemed Refusal' shall apply. |
| 5. | Council's determination of an application for planning approval of a Local Structure Plan shall be subject to appeal rights under Part V of the Act in accordance with Clause 8.5 of the Scheme. |
| 6. | <p data-bbox="852 817 1406 884">(a) The density coding shall generally be in accordance with the approved Structure Plan; and</p> <p data-bbox="852 896 1406 967">(b) Medium density residential development (R30-R60) should be promoted in the Neighbourhood Centre and adjacent to the rail station precinct.</p> |
| 7. | <p data-bbox="852 985 1406 1135">(a) Council may require the preparation and submission of detailed area plans (DAPs) for a lot or lots within the Structure Plan area to enhance, elaborate or expand on the details or provisions contained in the approved Structure Plan.</p> <p data-bbox="852 1146 1406 1296">(b) DAPs will be required for the following lots shown on the approved Structure Plan (i) within the neighbourhood centre, (ii) adjoining public open space; (iii) large lots (greater than 1500m²); (iv) serviced by rear laneways; and/or (v) lots coded R40 or above.</p> <p data-bbox="852 1308 1406 1951">(c) DAPs may include details as to—</p> <ul style="list-style-type: none"> <li data-bbox="884 1344 1166 1366">(i) building envelopes; <li data-bbox="884 1377 1362 1400">(ii) distribution of land uses within a lot; <li data-bbox="884 1411 1166 1433">(iii) private open space; <li data-bbox="884 1444 1043 1467">(iv) services; <li data-bbox="884 1478 1406 1556">(v) vehicular access, parking, loading and unloading areas, storage yards and rubbish collection closures; <li data-bbox="884 1568 1406 1646">(vi) the location, orientation and design of buildings and the space between buildings; <li data-bbox="884 1657 1385 1680">(vii) advertising signs, lighting and fencing; <li data-bbox="884 1691 1406 1747">(viii) landscaping, finished site levels and drainage; <li data-bbox="884 1758 1406 1825">(ix) protection of sites of heritage, conservation or environmental significance including tree preservation; <li data-bbox="884 1836 1406 1892">(x) special development controls and guidelines; and <li data-bbox="884 1904 1406 1951">(xi) such other information considered relevant by the local government. |
| 8. | <p data-bbox="796 1968 1406 2069">In addition to the Residential zone, uses within the Neighbourhood Centre identified on the Structure Plan shall be in accordance with the provisions of the Commercial zone with the exception of the following—</p> <ul style="list-style-type: none"> <li data-bbox="798 2080 1043 2101">• Single House P |

| Area, No. | Special Provisions |
|-----------|--|
| 9. | <p>Council will require the preparation and submission of design guidelines for the neighbourhood centre detailing the requirements to achieve Liveable Neighbourhood design and a common architectural theme. The design guidelines should address the following—</p> <ul style="list-style-type: none"> • Energy efficiency development controls; • Building form and materials; • Roof form; • Density; • Garaging and access; • Setbacks and zero lot line; • Site coverage; • Fencing; • Servicing; • Advertising/signage/lighting; • Noise attenuation and measures to combine commercial and residential development; • Facades; • Colour and materials. |
| 10. | <p>Council may vary the provisions of the Residential Design Codes and any other Scheme provisions, where in the opinion of Council, the variation promotes Liveable Neighbourhood design and is in accordance with the approved DAP(s) and/or approved design guidelines.</p> |
| 11. | <p>The lot size and configuration (frontage and lot depth) for large lots shall generally be in accordance with the approved Structure Plan with a minimum lot size of 1500m²;</p> |
| 12. (a) | <p>Council will require the preparation and submission of DAP(s) for a lot or lots shown on the approved Structure Plan as 'large lots (greater than 1500m²)'. The objective of the DAP for these lots is to provide for a transition and well integrated development between the existing 'Homestead Ridge' Special Residential zoned land and future residential development within the Structure Plan area.</p> |
| (b) | <p>Council will not support development on a lot as shown on the approved Structure Plan as 'large lots (greater than 1500m²)' unless the following development requirements are met—</p> |
| (i) | <p><i>Construction Materials:</i> No roofs of dwellings or carports of outbuildings shall be constructed of highly reflective material, but without limiting the generality of the foregoing, unpainted zincalume.</p> |
| | <p>All dwellings and carports shall be of stone or masonry construction unless the express approval of Council is obtained to vary this requirement.</p> |
| | <p>Notwithstanding the above provisions, outbuildings may be constructed of metal or other material approved by Council provided the external colour and texture is of a neutral and non-glaring finish.</p> |
| (ii) | <p><i>Building Envelopes:</i> All buildings and development shall be constructed within the confines of the building envelope.</p> |

| Area, No. | Special Provisions |
|-----------|---|
| | <p>The building envelopes shall be positioned towards the front of the lots, have a regular shape and range in size between 600m² to 750m². The building envelopes should be set back 5 metres from the front lot boundary and a minimum 4 metres from the side lot boundaries.</p> |
| | <p>(iii) <i>Tree Preservation Area:</i> The area outside the building envelope and behind the 5 metre setback is designated as a Tree Preservation Area. No development (including driveways, sheds and outbuildings or storage of materials and or disposal of wastes) is to be undertaken within the Tree Preservation Area.</p> <p>No indigenous tree, shrubs or other substantial vegetation may be removed from the Tree Preservation area without the written approval of Council except in the following circumstances—</p> <ul style="list-style-type: none"> • indigenous tree, shrubs or other substantial vegetation are considered at the discretion of by the Council to be dead, diseased or dangerous; and • for the purposes of a firebreak required by a Regulation or by-law. <p>Council may require the landowner to undertake a tree planting programme within Tree Preservation Area(s) nominated by Council as being deficient in vegetation cover.</p> |
| | <p>(iv) <i>Fencing:</i> Fencing at or within the building envelope may, at the discretion of Council, be of a closed screening nature provided the condition, scale and colour of the fence does not detract from the amenity of the area.</p> <p>Fencing in front the building envelope shall comply with the Residential Design Codes, all other boundary fencing shall be of a rural and open nature and shall exclude asbestos, pickets, sheet iron and any other material which in the opinion of Council would detract from the amenity of the area.</p> <p>Solid 'wing walls' not exceeding 1.8 metres in height may be constructed at the front of the dwelling to the side boundary provided the appearance compliments the dwelling and complies with the Building Code of Australia.</p> |
| | <p>(v) <i>Commercial Vehicle Parking</i> shall comply with the provisions set out in Section 6.4.5 of the Scheme.</p> |
| 13. | <p>Prior to development south of the railway line, the landowner shall enter into an agreement with Council regarding the funding of railway crossings, including pedestrian bridges. The agreement will outline costs and responsibilities regarding these infrastructure items.</p> |

3. Amending the Scheme Map as follows—

- (i) to include portions of Pt Lot 254 Blacksmith Drive, Pt Lot 271 Leda Boulevard and Pt Lot 242 Silversmith Street, Lot 272 Leda Boulevard and Pt Lot 277 Gilmore Ave within the Wellard Village Residential Development Area; and

- (ii) delete the R20 coding designation for portions of Pt Lot 254 Blacksmith Drive, Pt Lot 271 Leda Boulevard and Pt Lot 242 Silversmith Street, Lot 272 Leda Boulevard and Pt Lot 277 Gilmore Ave zoned Residential in the Scheme.

J. H. D. SLINGER, Mayor.
R. G. SEARLE, Chief Executive Officer.

PI502*

METROPOLITAN REGION TOWN PLANNING SCHEME ACT 1959

METROPOLITAN REGION SCHEME AMENDMENTS:

NO.1089/33—EAST LANDSDALE PRECINCT 64

NO.1090/33—LAKE KARRINYUP COUNTRY CLUB

Call For Public Submissions

The Western Australian Planning Commission intends to amend the Metropolitan Region Scheme for land in the Cities of Stirling and Wanneroo and public comment is invited.

1089/33—EAST LANDSDALE PRECINCT 64

The purpose of this amendment is to transfer approximately 225ha of land identified as East Landsdale Precinct 64 from the Rural zone to the Urban zone.

1090/33—LAKE KARRINYUP COUNTRY CLUB

The purpose of this amendment is to transfer approximately 2.8ha of land at Lake Karrinyup Country Club from the Private Recreation zone to the Urban zone.

Display Locations

Full details of the proposals can be found in the Commission's explanatory *Amendment Reports*. A separate report exists for each amendment. These documents, along with the amending plans and other supporting documentation showing the proposed changes to the zones and reservations of the Scheme, will be available for public inspection from 4 May 2004 to 13 August 2004 at the following locations—

1089/33—Municipal offices of the Cities of Wanneroo and Swan.

1090/33—Municipal offices of the Cities of Stirling and Joondalup.

All documents are also available at the offices of—

- Department for Planning and Infrastructure, Wellington Street, Perth;
- JS Battye Library, Francis Street, Northbridge;
- City of Perth, St George's Terrace, Perth; and
- City of Fremantle, William Street, Fremantle.

Some documents may also be viewed at the Commission's Internet Site www.wapc.wa.gov.au.

Submissions

Any person who wishes to make a submission either supporting, objecting to or providing comment on any provisions of the proposed Amendments should do so on a submission form (Form 6A). These forms are available from the display locations, the relevant *Amendment Report* and the Internet.

Submissions must be lodged with the: Secretary, Western Australian Planning Commission, 469 Wellington Street, PERTH WA 6000; on or before 5.00pm **Friday, 13 August 2004**. Late submissions will not be considered.

IAN PATTERSON, Secretary,
Western Australian Planning Commission.

POLICE

PO501*

POLICE ACT 1892

POLICE AUCTION

Under the provisions of the police act 1892-1992, unclaimed found and stolen property and bicycles will be sold by public auction at Smith Broughton & Sons, 1 Clayton Street, Midland on Wednesday 2nd June 2004 at 10.00 am.

The auction is to be conducted by Mr. Jules Antenucci.

B. MATTHEWS, Commissioner of Police,
Western Australia Police Service.

TRANSPORT

TR401*

WESTERN AUSTRALIAN MARINE ACT 1982 NAVIGABLE WATERS REGULATIONS

WATER SKI AREA

Esperance Bay

Department for Planning and Infrastructure,
Fremantle WA, 4 May 2004.

Acting pursuant to the powers conferred by Section 48A of the Navigable Waters Regulations the department by this notice revokes paragraph (1)(a)(5)(i) of Notice MH404 as published in the Government Gazette on 25 October 1991 and hereby defines and sets aside the following area of Navigable Water for the purpose of Water Skiing between the hours of Sunrise and Sunset and orders that bathing shall be prohibited therein:

Esperance Bay:

All those waters contained within an area of Esperance Bay commencing at Point A being at the water's edge on the foreshore at the groyne approximately 300 metres north of the Tanker Jetty. Thence seaward following a line offset to the north by 300 metres from the Tanker Jetty to Point B, being 300m from the water's edge. Thence along the continuation of the offset line to Point C, at the intersection of a line joining the Dolphin at the end of the Tanker Jetty and the seaward end of the Western Entrance Breakwater of the Bandy Creek Boat Harbour. Thence in a generally north-easterly direction along the said line to Point D being 300 metres offset to the south-west of the Western Entrance Breakwater. Thence generally north-west and south-west along a line 300 metres offset from the water's edge on the Western Entrance Breakwater and the foreshore to Point E, being approximately 500 metres from the Tanker Jetty. Thence continuing generally north-westerly maintaining the 500 metre offset from the Tanker Jetty until intersecting the water's edge at Point F. Thence generally south-west along the water's edge to Point A. The Points A, B, E and F delimit the Take-off and Landing zone. Points A and F are depicted by signs on the foreshore and buoys in the water.

Boundary Coordinates: Datum GDA 94

| Point | Latitude | Longitude |
|-------|---------------|----------------|
| A | 33° 50.9866'S | 121° 54.0930'E |
| B | 33° 51.0095'S | 121° 54.2850'E |
| C | 33° 51.1935'S | 121° 54.7045'E |
| D | 33° 50.3105'S | 121° 55.8335'E |
| E | 33° 50.9041'S | 121° 54.3141'E |
| F | 33° 50.8830'S | 121° 54.1273'E |

GREG MARTIN, Chief Executive Officer,
Department for Planning and Infrastructure.

WATER

WA401*

WATER AGENCIES (POWERS) ACT 1984

WASTEWATER IMPROVEMENTS: SHIRE OF CUNDERDIN

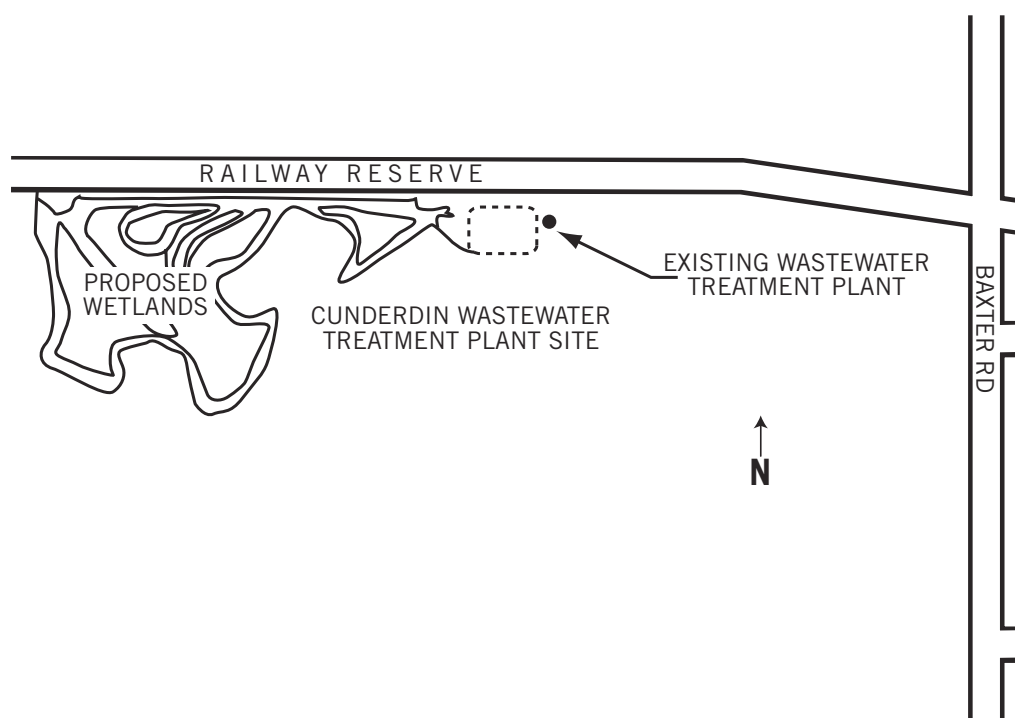
Notice of Authorisation to Construct a Wetland Next to the Existing Wastewater Treatment Plant

In accordance with the provisions of the Water Agencies (Powers) Act 1984, the Minister for Water Resources has authorised the Water Corporation to construct the following works—

- Stage 1—2004/2005 civil works associated with Wetlands
- Future works for Wetlands.

The location of the proposed works adjoins the existing Wastewater Treatment Plant site, lot 26 Cunderdin as shown on plan. The works will be located on lots 26, 2188 and 2221 as indicated.

The works will improve the management of existing Wastewater Treatment Plant at Cunderdin.



PUBLIC NOTICES

ZZ201

TRUSTEES ACT 1962
DECEASED ESTATES

Notice to Creditors and Claimants

Estate of the late Leonie Meryle Edwards in the State of Western Australia.

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 5 November 2003 are required to send particulars of their claims to the Executor's care of RSM Bird Cameron within one (1) month of the date of publication of this notice after which date the Executor may convey or distribute the assets having regard only to claims of which notice has been given.

c/-RSM Bird Cameron Chartered Accountants, 8 St. George's Terrace, Perth WA 6000.

Telephone: (08) 9261 9100

REF: S. Oates

ZZ202

TRUSTEES ACT 1962
DECEASED ESTATES

Notice to Creditors and Claimants

Torr, Arthur Norman late of 1085 Beaufort Street, Bedford in the State of Western Australia, Retired Teacher, 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 28 October 2003, are required by the deceased's representative, Michaelae Anne Westcott to send particulars of their claims to her c/- Robertson Hayes, Level 3, 33 Barrack Street, Perth within one month of the date of publication hereof after which date the personal representative may convey or distribute the assets, having regard only to the claims of which she then has notice.

Dated 22nd April 2004.

ERIC TAN.

ZZ203

TRUSTEES ACT 1962**DECEASED ESTATES**

Notice to Creditors and Claimants

Gordon Lancelot Matson, late of 49 Canterbury Terrace, East Victoria Park in Western Australia, Truck Driver.

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 1 December 2003 at Royal Perth Hospital, Perth, Western Australia in Western Australia, are required by the personal representative, being Steven Raymond Fidock to send particulars of their claims to suite 2,11 Richardson Street, South Perth WA 6151 within 30 days 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 he then has notice.

ZZ204

TRUSTEES ACT 1962**DECEASED ESTATES**

Notice to Creditors and Claimants

Raymond Richard Tulk late of 248 Surrey Road, Kewdale, Western Australia.

Creditors and other persons having claims (to which section 63 of the Trustees Act 1962 relates) in respect of the estate of Raymond Richard Tulk late of 248 Surrey Road, Kewdale, Western Australia, who died at Royal Perth Hospital, Perth on 4th January 2004 are required by the applicant for grant of representation Craig Harry James of Gibson & Gibson, Level 4, 190 St George's Terrace, Perth to send particulars of their claims to him within 30 days of the date of publication of this advertisement after which date the applicant for grant of representation may convey or distribute the assets, having regard only to the claims of which he then has notice.

ZZ401

DISSOLUTION OF PARTNERSHIP

Mindalong Pastoral Enterprises

Take notice that the partnership between Peter John Hall and Tricia Verdell Hall and Coolsun Pty Ltd (CAN 085 342 445), as trustee for the Geoff Stowe Family Trust, trading as "Mindalong Pastoral Enterprises" was dissolved effective from 31st March 2004. Peter John Hall and Tricia Verdell Hall are now the continuing and sole owners of "Mindalong Pastoral Enterprises".

WESTERN AUSTRALIA

RETIREMENT VILLAGES ACT 1992**Price: \$17.90 counter sales****Plus postage on 430 grams****RETIREMENT VILLAGES REGULATIONS 1992*****Price: \$4.95 counter sales****Plus postage on 40 grams**

* Prices subject to change on addition of amendments.

CLAIMS FOR MISSING ISSUES

(SUBSCRIPTION ITEMS)

For a claim to be recognised as valid, written notification must be lodged at State Law Publisher, 10 William Street, Perth 6000 within 28 days of publication of the missing item.

Claims lodged after this date will attract payment in full.

STATE LAW PUBLISHER

SUBSCRIPTION CHARGES 2004

All subscriptions are for the period from 1 January to 31 December 2004. Subject to certain limitations, refunds may be allowed if a subscription is cancelled during the year. The prices quoted include postage by surface mail unless stated otherwise.

* Prices cover period from 1 January to 30 June 2004. From 1 July access to on-line legislation will be free.

GOVERNMENT GAZETTE

General *Government Gazettes* are published on Tuesday and Friday of each week, unless disrupted by public holidays or unforeseen circumstances.

Special *Government Gazettes* are published periodically.

| | |
|---|----------|
| All Gazettes | \$ |
| Within WA | 806.30 |
| Interstate | 822.80 |
| Overseas (airmail) | 1,124.00 |
| Bound Volumes of full year | 1,072.50 |

Electronic Gazette Online

(includes all *Gazettes* from Jan 1998)

| | |
|--|--------|
| * Existing hard copy subscriber | 122.80 |
| * Electronic Subscription only | 360.75 |
| <i>Gazettes on CD ROM from 1998</i> (per year)..... | 734.80 |

INDUSTRIAL GAZETTE

Industrial Gazette is published monthly.

| | |
|--------------------------|--------|
| | \$ |
| Within WA | 350.90 |
| Interstate | 418.00 |
| Overseas (airmail) | 532.00 |

Electronic Gazette Online

(includes all *Gazettes* from Jan 1996)

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| * Existing hard copy subscriber | 85.15 |
| * Electronic Subscription only | 170.30 |
| <i>Gazettes on CD ROM from 1998</i> (per year)..... | 317.90 |

HANSARD

Hansard is printed and distributed weekly during parliamentary sessions.

| | |
|--------------------------|--------|
| | \$ |
| Within WA | 765.60 |
| Interstate | 935.00 |
| Overseas (airmail) | 881.00 |

Bound Volumes of Hansard

| | |
|---|--------|
| Within WA | 754.60 |
| Interstate | 766.70 |
| <i>Hansards on CD ROM from 1999</i> (per year) | 783.20 |

STATUTES

Bound Statutes

Bound volumes are posted during March of the following year.

| | |
|--------------------------------|--------|
| | \$ |
| Within WA..... | 273.90 |
| Interstate | 303.60 |
| Overseas | 281.00 |
| Half Calf Bound Statutes | 752.40 |

Bound Volumes on CD ROM from 1998

(per year)..... 272.80

Loose Statutes

Statutes are posted weekly as they become available.

| | |
|-------------------------|--------|
| | \$ |
| Within WA..... | 293.70 |
| Interstate | 303.60 |
| Overseas (airmail)..... | 395.00 |

Sessional Bills

Bills are posted weekly as they become available.

| | |
|--------------------------|--------|
| | \$ |
| Within WA | 403.70 |
| Interstate | 422.40 |
| Overseas (airmail) | 573.00 |

Electronic Statutes Online

Includes all Acts, Regulations, Bills, Acts by year, Index to Statutes, Hansard, etc

| | |
|--|--------|
| | \$ |
| * 1st user | 359.55 |
| * 2nd and each additional user (each) .. | 180.35 |
| More than 4 users—site licenses apply— please contact our sales staff for rates | |

Data on CD's is fully indexed and is searchable. Other CD ROM products with legislation or other statutory information can be packaged to individual requirements. Prices are available on request.

