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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 —

JUSTICE

JU301*

Prisons Act 1981

Prisons Amendment Regulations 2004

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Prisons Amendment Regulations 2004*.

2. The regulations amended

The amendments in these regulations are to the *Prisons Regulations 1982**.

[* Reprinted as at 9 March 2001.

For amendments to 29 April 2004 see *Western Australian Legislation Information Tables for 2003, Table 4, p. 298*.]

3. Regulation 38 amended

After regulation 38(1) the following subregulations are inserted —

“

- (1a) For the purposes of subregulation (1)(a) a record of a prisoner's name may include the prisoner's name registered under the *Births, Deaths and Marriages Registration Act 1998* or any alias of the prisoner.
- (1b) A record of the prisoner's name kept under subregulation (1)(a) may be changed at any time if the superintendent considers that such change is necessary.

”

By Command of the Governor,

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

LOCAL GOVERNMENT

LG301

HEALTH ACT 1911

Shire of Morawa

HEALTH LOCAL LAWS 2004

Made by the Council of the Shire of Morawa under section 342 of the *Health Act 1911* in accordance with subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995*.

Citation

1. These Local Laws may be cited as the “*Shire of Morawa Health Local Laws 2004*”.

Incorporation by Reference

2. (i) In these Local Laws, “*The Shire of Northam Health Local Laws 2003*”—

(a) means *The Shire of Northam Health Local Laws 2003* published in the *Government Gazette*, special edition number 26, on the 20 February 2003; and

(b) does not include any amendments that might be made to those Local Laws

(ii) Subject to the modifications set out in the Schedule, the *Shire of Northam Health Local Laws 2003* are incorporated with and form part of these Local Laws.

Repeal

3. (1) The Health Local Laws adopted by the Morawa Road Board and published in the *Government Gazette* on 16 May 1930, and amended from time to time are repealed;

(2) The Health Local Laws adopted by the Shire of Morawa on 8 December 1951 and published in the *Government Gazette* on 8 May 1952, and amended from time to time are repealed; and

(3) The Health Local Laws adopted by the Shire of Morawa on 19 March 1964 and published in the *Government Gazette* on 16 June 1964, and amended from time to time are repealed.

SCHEDULE

Modifications to the Shire of Northam Health Local Laws 2003

Item	Sections Affected	Description
1.	1.1	Delete Section 1.1 and substitute the following— “1.1 These Local Laws may be cited as the “ <i>Shire of Morawa Health Local Laws 2004</i> ”.”
2.	1.2	Delete Section 1.2
3.	1.3(1) and Schedule 1-10	Delete “Shire of Northam” wherever it occurs and substitute “Shire of Morawa”.
4.	2.11 (1)	After the year “1909” insert the words “and the <i>Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974</i> ,”.
5.	4.17A	After section 4.17 insert a new section 4.17A as follows— Rubbish Disposal—Prescribed Area 4.17A The townsite of Morawa is the prescribed area within which the provisions of Section 112A of the Act shall operate and have effect.”
6.	6.5 (3)	In subsection (3), insert a comma and the words “except to the extent the person has suffered loss or damage because the action taken by the Local Government was negligent or in breach of its duty” after the last word “section”.
7.	6.16 (a) & (b)	In paragraph (a) & (b) insert the word “stored” before the second word “food”.

Item	Sections Affected	Description
8.	6.17 (1)	In paragraph (b) of subsection (1), remove the words “that might afford access or harbourage to rodents to be altered, repaired, protected, removed or otherwise dealt with so as to prevent it being used as access for, or harbourage of, rodents” and insert them on the next line, aligned with “An”, the first word of the main text lines in the subsection, so that they apply to both paragraphs (a) and (b) and not just to (b).
9.	6.25	In the title delete the word “ Nest ” and substitute “ Nests ”.
10.	6.26	Delete the word “bees” in the definition of that word and substitute the singular word “bee”.
11.	7.3 (4)	In subsection (4), insert a comma and the words “except to the extent the person has suffered loss or damage because the action taken by the Local Government was negligent or in breach of its duty” after the last word “section”.
12.	7.10 (3)	In subsection (3), insert a comma and the words “except to the extent the person has suffered loss or damage because the action taken by the Local Government was negligent or in breach of its duty” after the last word “section”.
13.	8.28 (1)	In subparagraph (b) (ii), remove the last words “than is required to accommodate and provide for the maximum number of persons permitted to occupy the sleeping apartment at any one time; and” and insert them on the next line, aligned with “cause”, the first word of the main text lines in paragraph (b), so that they apply to both subparagraphs (i) and (ii) and not just to subparagraph (ii).
14.	9.4 (b)	In paragraph (b) of section 9.4., delete the word “ <i>Trade</i> ” in the title of the regulations and substitute the word “ <i>Trades</i> ”.

Made at a meeting of the Council of the Shire of Morawa held on 17th June, 2004.

The Common Seal of the Shire of Morawa was hereunto affixed in the presence of—

J. F. COOK, President.

G. L. MERRICK, Chief Executive Officer.

Dated the 15th day of July, 2004.

Consented to—

Dr. MARGARET STEVENS,

Executive Director Public Health.

Dated the 15th day of August, 2004.

— PART 2 —

CONSUMER AND EMPLOYMENT PROTECTION

CE401

ASSOCIATIONS INCORPORATION ACT 1987

CANCELLED ASSOCIATION

Section 35

MADDINGTON PLAZA MERCHANTS ASSOCIATION (INC.)

Notice is hereby given that the incorporation of the above-named association has been cancelled as from the date of this notice.

Dated the 8th day of September 2004.

PATRICK WALKER, Commissioner for Fair Trading.

LOCAL GOVERNMENT

LG401*

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1960

City of Mandurah

APPOINTMENT OF AUTHORISED OFFICER

It is hereby notified for public information that Christine Diane Tillman has been appointed Relief Pound Attendant under the provisions of Part XX Section 449 of the *Local Government (Miscellaneous Provisions) Act 1960*.

MARK NEWMAN, Chief Executive Officer.

LG402*

BUSH FIRES ACT 1954

City of Belmont

APPOINTMENT OF OFFICERS

It is hereby notified for public information that in accordance with Section 38 of the Act, the Council of the City of Belmont have appointed the following Officers—

Chief Fire Control Officer	Graham Wilson
Deputy Chief Fire Control Officer	Alexander Butcher
Fire Control Officers	Jozef Zygodlo
	Mark Stolp
	Kevin Phillips

All previous appointments are hereby cancelled.

SHAYNE SILCOX, Chief Executive Officer.

LG403*

BUSH FIRES ACT 1954*Shire of Esperance***BUSH FIRE CONTROL OFFICERS**

The following persons have been appointed Bush Fire Control Officers for the Shire of Esperance. All other appointments are hereby cancelled. (*Denotes Permit Issuing Officer)

Chief Bush Fire Control Officer—T Brown

Deputy Chief Bush Fire Control Officer—J Hallam

Bush Fire Control Officers—

Cascade

S Pickering*

B Welke

Condingup

P Chalmer*

R Taylor*

R Meyer

G Perks*

L Mickel*

Coomalbidgup

A McDonald*

G Spencer*

K Scott*

P Lane*

S Stead*

T Spencer*

P Newman

P Webb

Dalyup

T Murray*

R West *

W Graham

J Sharpe

B Rolland

Gibson

B Wilson*

P Lewis*

G Halford*

L McLean*

D Mills

Howick

S Schlink*

B Stoney

S Fowler

M Stoney

Mt Beaumont

P Harkness*

P Bertola*

P Longmire

M Young

C Inkster*

Southern Mallee

R Freeman*

J Hallam*

M Ietto *

P DeFrenne*

D Sanderson

Mt Merivale

B King*

A Middleton

H Wegmann

A Hann

W Andrews

Munglinup

R Gibson*

B Rawlinson*

A Bott

B Fetherstonhaugh

Neridup

A Stewart*

F De Grussa*

D Cox*

Pink Lake

G Ramm*

A Waters

C Arnold

D Henderson

M Sainty

R Ellett

Quarry Road

R Clarke

E Temple*

I Hartley

M Ammon

T Ammon

T Parkins*

Salmon Gums

R Graham*

P Guest*

P Ratcliffe*

R Doney

Scaddan

G Egan*

G Tidow*

M Delroy*

G Raszyk*

Six Mile Hill

K Doherty*

B Thorp*

P Rowe*

R Wilson

Shire of Esperance

R Hearne*

T King*

B VonCastel*

Senior FCO's / Fire Weather Officers

T Brown—East Zone

J Hallam—North Zone

K Scott—West Coast Zone

B Welke—West Zone

T Parkins—Urban Rural Zone

A Leiper—East Coast Zone

LG404***LOCAL GOVERNMENT ACT 1995***City of Melville***AUTHORISED PERSON**

It is hereby notified for public information that Michael John Cross, Kelly Louise Smith, Bruce Donald Finlayson and Brent J Dalglish have been appointed as Authorised Persons at Garden City Shopping Centre (as defined in the City of Melville Parking Facilities Local Laws) and as Authorised Persons for the purposes of Section 9.10, 9.13 and 9.15 of the Local Government Act 1995.

JOHN McNALLY, Chief Executive Officer

LG501***BUSH FIRES ACT 1954***City of Belmont***2004/2005 FIREBREAK NOTICE**

Notice to all owners and or occupiers of land in the City of Belmont.

Pursuant to the powers contained in Section 38 of the Bush Fires Act 1954 (as amended) you are hereby required on or before the 30th day of November 2004, or within fourteen days of the date of you becoming the owner or occupier should this be after the 30th day of November 2004, to remove from the land owned or occupied by you all flammable material as to clear firebreaks in accordance with the following and thereafter to maintain the land or firebreaks clear of flammable material up to and including the 31st day of March 2005, in such positions and to such dimensions as required by this notice.

- (1) Where the area of land is less than 3000 square metres remove all flammable material from the whole of the land.
- (2) Where the area of land is 3000 square metres or more a firebreak must be provided not less than 3.0 metres in width inside and along the whole of the external boundaries of the land.
- (3) Provide a firebreak not less than two (2) metres in width immediately abutting all buildings, outbuildings, sheds etc, with all overhanging branches, trees, limbs etc to be trimmed back clear of all firebreaks and removed from the land.

If for any reason it is considered impractical to clear firebreaks or to remove the flammable material from the land as required by this Notice, application must be made in writing to the Council or its duly Authorised Officer on or before the 15th day of November 2004 for permission to provide firebreaks in alternative positions or take alternative action to abate a fire hazard. If permission is not granted by the Council or its duly Authorised Officer you shall comply with the requirements of this Notice in its entirety.

Penalty—

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

Note—

The requirements of this Notice should be carried out by means other than burning, ie. mowing, rotary hoeing, ploughing, scarifying or cultivating.

SHAYNE SILCOX, Chief Executive Officer.

LG502***BUSH FIRES ACT 1954***Shire of Esperance***2004/05 FIREBREAK NOTICE**

Notice to all Owners and Occupiers of Land

Pursuant to the powers contained in Section 33 of the Bush Fires Act 1954, you are hereby required on or before the 14th day of November 2004 or within fourteen days of your becoming owner or occupier of land should this be after the 14th day of November 2004 to clear firebreaks and remove flammable materials from the land owned or occupied by you as specified in this Notice and to have the specified land and firebreaks clear of all flammable materials from the 14th day of November 2004 up to the 31st March 2005.

Definitions

For the purpose of this Notice the following definitions apply—

“Low Fuel Buffer/Condition” means an area where flammable material has been reduced to a height of not more than 5cm (50mm). This can be achieved through mowing, slashing, parkland clearing, grazing, spraying or other methods that achieve the objective. **“Flammable Material”** means material that can be easily ignited, i.e.—dead or dry grass, leaves, timber, boxes, cartons, paper, plastic and other material or thing deemed by an authorised officer to be capable of combustion *but does not include green growing trees, growing bushes or plants in gardens.*

1. Rural Land

1.1 Cleared Land—Boundary firebreaks are not compulsory.

1.2 Uncleared Land (except areas set aside for conservation purposes)—Install low fuel buffers, not less than six (6) metres wide on the inside and along the external boundaries of any property. In cases where a property is only partially cleared, the boundary low fuel buffer is required in areas where the uncleared land abuts the property boundary.

2. Urban Land / Special Residential

(Residential, Commercial and Industrial Land within a townsite or any other subdivided for residential purposes)

2.1 Where the land is **2000 square metres or less** remove all flammable material then mow or slash the whole of the land to achieve a low fuel condition, to be maintained until 31st March 2005.

2.2 Where the land is **2000 square metres or greater** install and maintain a low fuel buffer not less than four (4) metres wide on the inside of all boundaries, to be maintained until 31st March 2005.

Persons who fail to comply with this Notice may be issued with an Infringement (modified penalty \$250.00) or prosecuted with an increased penalty up to \$1,000.00. A person in default is also liable, whether prosecuted or not, to pay the cost of performing the work directed in this Notice, if it is not carried out by the owner or occupier by the date required by this Notice.

If it is for any reason impractical to clear firebreaks or remove flammable material as required by this Notice, you may apply to the Council not later than the 14th day of November 2004 for permission to provide firebreaks in alternative positions or take alternative action to remove or abate fire hazards. If permission is not granted by Council, you must comply with the requirements of this Notice. Contact the Shire Ranger Service on 90710662 for more information on variations.

Dates to Remember

- Firebreaks must be cleared by 14th November 2004
- Burning Permits Required—
 - 19th September 2004 to 31st October 2004 (inclusive)
 - 1st February 2005 to 31st March 2005 (inclusive)
- Burning Prohibited—
 - 1st November 2004 to 31st January 2005 (inclusive)

(All of the above dates are subject to variation. Alterations will be published in a local newspaper circulating in the district).

- Permits to burn will not be issued on a Sunday or a Public Holiday

Harvesting

A harvesting machine or header may not be operated or allowed to be operated in any crop during the prohibited burning times or the restricted burning times unless it is equipped with a fire extinguisher (min. capacity 7.5 litres water). No person shall operate or allow the operation of a harvesting machine or associated equipment on Christmas Day and New Years Day or on a harvest ban day.

Post Harvest Stubble Slashing, Track Chaining, Harvesting and Swathing.

A mobile fire fighting unit of no less than 450 litres capacity must be situated in the paddock when post harvest stubble slashing, track chaining, harvesting and swathing is in progress during the restricted and prohibited burning period.

M. S. L. ARCHER, Chief Executive Officer.

MINERALS AND PETROLEUM

MP401*

State of Western Australia

PETROLEUM ACT 1967

GRANT OF EXPLORATION PERMIT

Exploration Permit No. EP429 has been granted to Kingsway Resources 2001 Pty Ltd to have effect for a period of six (6) years from 6 September 2004.

W. L. TINAPPLE, Director Petroleum and Royalties Division.

PLANNING AND INFRASTRUCTURE

PI401*

TOWN PLANNING AND DEVELOPMENT ACT 1928 TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION

Shire of East Pilbara

Town Planning Scheme No. 1 – Amendment No. 26

Notice is hereby given that the local government of the Shire of East Pilbara has prepared the above mentioned Scheme Amendment for the purpose of rezoning of Lot 12 Gunn Place, Newman, from 'Private Clubs and Institutions' to 'Other Commercial'; and amending the Scheme maps accordingly.

Plans and documents setting out and explaining the Scheme Amendment have been deposited at the Council Offices, Kalgan Drive, Newman and will be available for inspection during office hours up to and including 25 October 2004.

Submissions on the Scheme Amendment may be made in writing on Form 4 and lodged with the undersigned on or before 25 October 2004.

This Amendment is available for inspection in order to provide an opportunity for public comment and it should not be construed that final approval will be granted.

A. COOPER, Chief Executive Officer.

PI402

TOWN PLANNING AND DEVELOPMENT ACT 1928 ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

City of Armadale

Town Planning Scheme No. 2—Amendment No. 183

Ref: 853/2/22/4 Pt 183

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

- (a) rezoning Portion Lot Pt 29 Taylor Road, Forrestdale from "General Rural" to "Special Use—Rural/Residential";
- (b) amending the Scheme maps accordingly; and
- (c) amending the Scheme text by inserting in appropriate numerical order, a new entry into the Special Use Development Table as follows—

Prescribed Special Use	Requirements	Particulars of Land
<u>Rural /Residential</u> Permitted (P) uses: <ul style="list-style-type: none"> • Single House (one per lot only) • Public Utility Uses that may only be permitted at the discretion of the Council (AA): <ul style="list-style-type: none"> • Home Occupation 	1. Subdivision and development shall generally be in accordance with the Subdivision Guide Plan prepared in accordance with Clause 5.2.1 of the Scheme, and shall generally observe the following subdivision standards— <ul style="list-style-type: none"> • Overall maximum number of lots being in accordance with the approved Subdivision Guide Plan. • Minimum lot size of 2.0ha. 2. All effluent disposal systems are to be located within approved development envelopes. 3. No effluent disposal system shall be permitted within 50 metres of a Conservation Category Wetland identified on the Subdivision Guide Plan. 4. All lots are to have suitable effluent disposal envelopes nominated. Such envelopes are to be nominated at the subdivision stage, based upon a Geotechnical report which demonstrates that each envelope can achieve the minimum site requirements for unsewered subdivision as specified in Appendix 1 of the Government Sewerage Policy — Perth Metropolitan Region.	Portion of Lot Pt29 Taylor Road, Forrestdale

Prescribed Special Use	Requirements	Particulars of Land
	<p>5. All dwellings to be provided with Alternative Treatment Units (ATU's) to the satisfaction of the Council in consultation with the Health Department of Western Australia.</p> <p>6. No trees or other remnant vegetation or native flora shall be removed from the portion of any lot outside of the approved development envelope without the prior written consent of Council, except where—</p> <ul style="list-style-type: none"> • The trees or vegetation are dead, diseased or dangerous; or • The removal is necessary for the establishment of a required firebreak or approved fence or accessway. <p>7. The City will only support subdivision of land where the following Environmental Management Plans have been prepared and implemented by the subdivider to the satisfaction of the City—</p> <ol style="list-style-type: none"> 1. <u>Rehabilitation and Landscape Plan</u> <ol style="list-style-type: none"> a) A Rehabilitation and Landscape Plan will be prepared in consultation with the Department of Environment. b) The Rehabilitation and Landscape Plan will include but is not limited to— <ol style="list-style-type: none"> i) Rehabilitation of the 50m buffer areas for the Conservation Category Wetlands; ii) Revegetation strategies to apply to other parts of the subdivision area; iii) Maintenance of the rehabilitated areas; and iv) Allocation of responsibilities and timing for implementation of the Plan. 2. <u>Fire Management Plan</u> <ol style="list-style-type: none"> a) The Fire Management Plan will include but is not limited to— <ol style="list-style-type: none"> i) Strategies to limit the spread of fire and protect residents and areas of significant vegetation, including the location and dimensions of firebreaks; ii) Mechanisms to avoid or minimize the affects of firebreak installation on remnant vegetation, including siting of firebreaks in areas without significant vegetation and using of methods of installing firebreaks, such as slashing, which reduces the requirement for clearing; iii) Maintenance to be undertaken to ensure the continued effectiveness of fire breaks or other management measures; and iv) Allocation of responsibilities and timing for implementation of the Plan. 3. <u>Drainage and Nutrient Management Plan</u> <ol style="list-style-type: none"> a) A drainage and Nutrient Management Plan is to ensure the maintenance of water levels and quality in Conservation Category Wetlands and the maintenance or enhancement of surface water quality discharging from the site. 	

Prescribed Special Use	Requirements	Particulars of Land
	<p>b) The Drainage and Nutrient Management Plan will be with the concurrence of the Department of Environment and will include but is not limited to—</p> <ul style="list-style-type: none"> i) Management actions and objectives consistent with the Environmental Protection (Peel Inlet-Harvey Estuary) Policy 1992, Statement of Planning Policy No.2 (1992) and best management practices; ii) Mechanisms to protect the water quality and water levels in onsite and adjacent Conservation Category wetlands; iii) A monitoring program, including definition of performance criteria, to demonstrate that management objective are being achieved; iv) Contingency measures to be implemented in the event that performance criteria are not being met; and v) Allocation of responsibilities and timing for implementation of the Plan. <p>8. No dwelling or outbuilding shall be constructed within 15 metres of any lot boundary.</p> <p>9. The stabling and keeping of horses or any other livestock shall be prohibited on all lots within the application area.</p> <p>10. All boundary and other fencing shall be of open post and wire construction and shall be installed and maintained to the satisfaction of Council. Side and rear boundary fencing is prohibited where those boundaries fall within a Conservation Category Wetland identified on the Subdivision Guide Plan.</p> <p>11. The subdivider(s) shall make arrangements satisfactory to Council to ensure that prospective purchasers of the lots are advised of those provisions in the City of Armadale Town Planning Scheme No. 2 which relate to the land use and management of the land within the zone.</p>	

2. That Council endorse and forward the Subdivision Guide Plan for Lot Pt29 Taylor Road, Forrestdale, subject to the following modification—

- (a) A 50 metre buffer from the Conservation Category Wetland being identified on the Subdivision Guide Plan.

3. That following receipt of a revised plan which incorporates the modifications in 2 above, the Subdivision Guide Plan is to be forwarded to the Western Australian Planning Commission for its adoption.

L. REYNOLDS, Mayor.
R. S. TAME, Chief Executive Officer.

PI403*

TOWN PLANNING AND DEVELOPMENT ACT 1928
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT
Shire of Brookton
 Town Planning Scheme No. 3—Amendment No. 5

Ref: 853/4/6/3 Pt 5

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

1. Rezoning Lots 76, 77 and 80 shown on Deposited Plan 222181, Brookton Highway and Williams Street, Brookton, from Residential R12.5 to Commercial.
2. Amending the Scheme Map accordingly.

3. Modifying Table 1 - Zoning Table by—

- (1) Deleting the symbol “P” from Use Classes “Lodging House” and “Motel” in the Commercial Zone and replacing these with the symbol “AA”.
- (2) Adding the symbol “AA” to Use Class “Bed and Breakfast/Farmstay” in the Commercial Zone.

L. R. EYRE, President.
I. N. CURLEY, Chief Executive Officer.

PI404*

TOWN PLANNING AND DEVELOPMENT ACT 1928

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

Shire of Dandaragan

Town Planning Scheme No. 6—Amendment No. 24

Ref: 853/3/6/7 Pt 24

It is hereby notified for public information, in accordance with Section 7 of the *Town Planning and Development Act 1928* (as amended) that the Minister for Planning and Infrastructure approved the Shire of Dandaragan Town Planning Scheme Amendment on 7 September 2004 for the purpose of deleting Additional Requirement (l) to the Schedule of Additional Requirements at Appendix 1 of the Scheme Text pertaining to Special Rural Zone No 3—Melbourne Locations Pt 3112, 757, 2520, 716, 681, 744, Pt 2528 and Crown Reserves 19206, 1222 and 36053 to make provision for alternative use of Hammersley homestead and replacing it as follows—

- (l) The Hammersley homestead originally built on CG 681 in the 1890s shall not be modified in any way without the prior consent of the Council. The owner of the homestead allotment will be encouraged to restore and maintain the environs of the house including original exotic and indigenous trees to conserve early European settlement associations. The homestead may be used as an Ancillary Dwelling as defined in the Residential Design Codes or as a Cabin or Chalet for the purposes of short term accommodation in addition to the other permissible uses of the Special Rural Zone.

G. SNOOK, President.
B. J. GOLDING, Chief Executive Officer.

PI405

TOWN PLANNING AND DEVELOPMENT ACT 1928

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

City of Fremantle

Town Planning Scheme No. 3—Amendment No. 59

Ref: 853/2/5/6 Pt 59

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

1. Amending clause 27 by adding the following new interpretations—

‘Hotel’ means premises providing accommodation the subject of a hotel licence under the *Liquor Licensing Act 1988*, and may include a betting agency on those premises, but does not include a tavern or motel.

‘Night Club’ means premises—

- (a) Used for entertainment with or without eating facilities; and
- (b) Licensed under the *Liquor Licensing Act 1988*

‘Licensed Premises — Other’—means premises licensed under the *Liquor Licensing Act 1988* but not including a Hotel, Late Night Licensed Premises, Liquor Store, Restaurant or Tavern.

‘Tavern’ means premises licensed as a tavern under the *Liquor Licensing Act 1988* and used to sell liquor for consumption on the premises.

‘Restaurant’ means premises where the predominant use is the sale and consumption of food and drinks on the premises and where seating is provided for patrons, and includes a restaurant licensed under the *Liquor Licensing Act 1988* but does not include Hotel, Tavern, Licensed Premises-other or Night Club Licensed Premises.

‘Liquor Store’ means premises licensed under the *Liquor Licensing Act 1988* providing for the sale of packaged liquor for consumption off the premises, but does not include a Hotel or Tavern.

2. Amending the interpretation ‘Entertainment’ in Clause 27 by deleting the words “, including those provided by the restaurant, hotel, night club and indoor sports and fitness industries.” Adding the words “but does not include a Restaurant, Hotel, Tavern, Licensed Premises-Other, Night Club Premises or Liquor Store.”

3. Amend Table One to include—

	Central Business	Inner urban	Local Centre	Industry	Residence	Development	Local Reserve Community Facilities	Local Reserve Open Space
Hotel	AA	AA	AA	AA	X	AA	X	X
Night Club Premises	AA	X	X	AA	X	AA	X	X
Tavern	AA	X	AA	AA	X	AA	X	X
Restaurant	AA	AA	AA	AA	AA	AA	AA	AA
Licensed Premises- Other	AA	AA	AA	AA	AA	AA	AA	AA
Liquor Store	AA	AA	AA	AA	AA	AA	AA	X

4. Amend Clause 38 by adding the following—

“or

- (c) use a premises for the sale of alcohol other than in a Hotel, Night Club Premises, Tavern, Restaurant or Licensed Premises-Other,”

P. TAGLIAFERRI, Mayor
R. GLICKMAN, Chief Executive Officer.

PI406***TOWN PLANNING AND DEVELOPMENT ACT 1928**

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

City of Stirling

District Planning Scheme No. 2—Amendment No. 453

Ref: 853/2/20/34 Pt 453

It is hereby notified for public information, in accordance with Section 7 of the *Town Planning and Development Act 1928* (as amended) that the Minister for Planning and Infrastructure approved the City of Stirling Town Planning Scheme Amendment on 7 September 2004 for the purpose of rezoning Lots 736, 737 and 738, HN 150, 152 and 154 Flamborough Street, Doubleview, from “Service Station” to “Medium Density Residential R50”.

D. C. VALLELONGA, Mayor.
L. DELAHAUNTY, Chief Executive Officer.

PI407***TOWN PLANNING AND DEVELOPMENT ACT 1928**

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

Town of Victoria Park

Town Planning Scheme No. 1—Amendment No. 19

Ref: 853/2/32/2 Pt 19

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

1. Amending the development standards of the ‘Commercial Zone’ contained in Precinct Plan P4 by replacing point 5 ‘Building Height’ with the following—

“5. Building Height—

The height of a building on land on the northern side of Canning Highway shall not exceed 15 metres. The height of a building on land on the southern side of Canning Highway shall not exceed 9 metres.”

2. Amending the development standard of the ‘Residential Zone’ contained in Precinct Plan P10 by inserting the following additional provision—

“Building Height—

The height of a building on land coded Residential R60 shall not exceed 8.6 metres.”

3. Amending the development standards of the 'Residential Zone' contained in Precinct Plan P12 (Sheets A and B) by deleting the existing 'Height Limit' provision and inserting a new provision to read as follows—

"Building Height—

The height of a building on land coded Residential R40 adjoining the Park Centre shall not exceed 6 metres.

The height of a building on land coded Residential R60 shall not exceed 8.6 metres."

J. A. LEE, Mayor.
J. BONKER, Chief Executive Officer.

PI408*

TOWN PLANNING AND DEVELOPMENT ACT 1928

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

Shire of Wyndham-East Kimberley

Town Planning Scheme No. 7—Amendment No. 16

Ref: 853/7/5/9 Pt 16

It is hereby notified for public information, in accordance with Section 7 of the *Town Planning and Development Act 1928* (as amended) that the Minister for Planning and Infrastructure approved the Shire of Wyndham-East Kimberley Town Planning Scheme Amendment on 7 September 2004 for the purpose of rezoning Lots 1804 and 1805 Palm Court from Residential R15 to Residential R15/30.

B. JOHNSON, President.
C. ADAMS, Chief Executive Officer.

PUBLIC NOTICES

ZZ201

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

In the matter of the estate of Leslie Harold Harding, late of Hillcrest Nursing Home, 23 Harvest Road, North Fremantle, 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 2 June 2002, are required by the executor, Ian Leslie Harding, to send particulars of their claims to Mullins Handcock Lawyers, PO Box Z5035, Perth, WA, 6831 (Quoting reference: HAR188), within thirty (30) days of the date of publication of this advertisement, after which date the executor may convey or distribute the assets, having regard only to the claims of which he then has notice.

MULLINS HANDCOCK, Solicitors for the executor.

ZZ202

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

In the matter of the Estate of Alberta Georgina Bourne of "Stratham Park", Bussell Highway Stratham via Boyanup in the State of Western Australia, Widow, 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 12th day of March 2004, are required by the Executor Mr John O'Sullivan of Unit 3, 126-128 Labouchere Road South Perth in the said State to send the particulars of their claims to him by the 1st day of November 2004, after which date the Executor may convey or distribute the assets, having regard only to the claims of which he then has notice.

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STATE LAW PUBLISHER

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