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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 and in some cases the Parliamentary Counsel's Certificate.
- 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).

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- 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.

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ADVERTISING RATES AND PAYMENTS

EFFECTIVE FROM 1 JULY 2004 (Prices include GST).

Deceased Estate notices, (per estate)—\$22.45

Real Estate and Business Agents and Finance Brokers Licences, (per notice)—\$52.40

Other articles in Public Notices Section—\$52.40 (except items of an exceptionally large nature. In these instances arrangements will be made for pricing the notice at time of lodging).

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Per Column Centimetre—\$10.45

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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 —

CONSUMER AND EMPLOYMENT PROTECTION

CE301*

Retail Trading Hours Act 1987

Retail Trading Hours (Christmas and New Year) Exemption Order 2004

Made by the Minister for Consumer and Employment Protection.

Part 1 — Preliminary

1. Citation

This order may be cited as the *Retail Trading Hours (Christmas and New Year) Exemption Order 2004*.

2. Interpretation

In this order —

“**Fremantle area**” has the same meaning as in the *Retail Trading Hours (Tourism Precincts) Exemption Order 1996*;

“**motor shop**” means a general retail shop or portion of a general retail shop, as the case requires —

- (a) in, on or from which motor vehicles are sold by way of retail sale; or
- (b) in, on or from which spare parts are sold by way of retail sale in conjunction with the sale of motor vehicles;

“**Perth area**” has the same meaning as in the *Retail Trading Hours (Tourism Precincts) Exemption Order 1996*.

3. Application

- (1) This order applies to all general retail shops, other than motor shops, in the metropolitan area.

- (2) This order does not affect the operation of —
- (a) the *Retail Trading Hours Exemption Order (No. 12) 1994*;
 - (b) the *Retail Trading Hours (Rockingham) Exemption Order 1995*; and
 - (c) the *Retail Trading Hours (Wanneroo) Exemption Order 1995*.

Part 2 — Exemptions from Act provisions

4. Application of *Retail Trading Hours (Tourism Precincts) Exemption Order 1996*

The *Retail Trading Hours (Tourism Precincts) Exemption Order 1996* does not apply to a general retail shop on a day to which this Part applies.

5. Sunday 12 December 2004

Each general retail shop to which this order applies is exempted from section 12(1)(d) of the Act on 12 December 2004 if the shop is closed on that day until 10.00 a.m. and from and after 5.00 p.m..

6. Sunday 19 December 2004

Each general retail shop to which this order applies is exempted from section 12(1)(d) of the Act on 19 December 2004 if the shop is closed on that day until 10.00 a.m. and from and after 5.00 p.m..

7. Tuesday 21 December 2004

Each general retail shop to which this order applies is exempted from section 12(1)(a) of the Act on 21 December 2004 if the shop is closed on that day until 8.00 a.m. and from and after 9.00 p.m..

8. Wednesday 22 December 2004

Each general retail shop to which this order applies is exempted from section 12(1)(a) of the Act on 22 December 2004 if the shop is closed on that day until 8.00 a.m. and from and after 9.00 p.m..

9. Tuesday 28 December 2004

Each general retail shop to which this order applies is exempted from section 12(1)(e) of the Act on 28 December 2004 if the shop is closed on that day until 8.00 a.m. and from and after 6.00 p.m..

10. Monday 3 January 2005

Each general retail shop to which this order applies is exempted from section 12(1)(e) of the Act on 3 January 2005 if the shop is closed on that day until 8.00 a.m. and from and after 6.00 p.m.

Part 3 — 1996 exemption disappplied

11. Part disapplication of *Retail Trading Hours (Tourism Precincts) Exemption Order 1996*

Clauses 4 and 5 of the *Retail Trading Hours (Tourism Precincts) Exemption Order 1996* do not apply to a general retail shop in the Perth area or Fremantle area on the days specified in the Table to this clause.

Table

Thursday	23 December 2004
Friday	24 December 2004
Tuesday	28 December 2004
Thursday	30 December 2004
Friday	31 December 2004
Monday	3 January 2005

JOHN KOBELKE, Minister for Consumer and Employment Protection.

LOCAL GOVERNMENT

LG301*

LOCAL GOVERNMENT ACT 1995

City of Fremantle

LOCAL LAW RELATING TO THE REPEAL OF DEFUNCT AND OBSOLETE LOCAL LAWS MADE UNDER THE LOCAL GOVERNMENT ACT 1960 AND EARLIER LEGISLATION

Under powers conferred by the *Local Government Act 1995* and by all other powers, the local government of the City of Fremantle hereby records having resolved on 13th September 2004 to make a Local Law repealing the following Local Laws—

- Local Government Model By Law (Old Refrigerators and Cabinets) No. 8 published in the *Government Gazette* on 4th October 1962;
- The Municipality of the City of Fremantle By Law Relating to Noises published in the *Government Gazette* on 31st October 1986.

Dated this 1st day of October 2004.

The Common Seal of the City of Fremantle was hereunto affixed in the presence of—

P. TAGLIAFERRI, Mayor.
G. MACKENZIE, Acting Chief Executive Officer.

LG302*

LOCAL GOVERNMENT ACT 1995

Shire of Boddington

LOCAL LAW RELATING TO LIVESTOCK IN PUBLIC PLACES AND WANDERING AT LARGE

In pursuance of the powers conferred upon it by the *Local Government Act 1995* and under all other powers enabling it, the Shire of Boddington resolved on the 20th July 2004 to make this Local Law.

PART 1—Preliminary

1. Citation.

This local law may be cited as the Shire of Boddington “Local Law relating to Livestock in Public Places and Wandering at Large”.

2. Definitions.

In this local law unless the context otherwise requires—

“Act” means the Local Government Act 1995 as amended

“local government” means the Shire of Boddington

“public place” means any land or lands which are vested or within the management or control of the Local Authority which is accessed by the public: being facilities, reserves, road reserves, public access ways, public open space or other lands as designated or determined by Council, Council’s Town Planning Scheme 2 as amended.

“livestock” means any animal determined as Livestock by the Stock (identification) Act 1970 as amended and shall include all cattle, horses, pigs, sheep, goats, camels, alpaca, llama, ostrich and other breeds as determined by this Act.

“Owner” means,

- (i) a person who by legal definition “is in ownership” of the livestock.
- (ii) a person in possession of the livestock.
- (iii) a person in control of the livestock.
- (iv) a person who ordinarily occupies the Land where the livestock is permitted to stay.

PART 2—General

3. An owner shall not:

(1) Allow any animal, which has a contagious or infectious disease, parasitic infection to be in any public place at any time or to come from any quarantined premises, property or district without veterinary clearance.

(2) Train or race any animal in a thoroughfare or public place that has not been designated, vested or leased for that purpose.

(3) Allow livestock to be tethered in any public place without written approval from the local government.

(4) Allow livestock to be tethered or kept in any thoroughfare or access way.

(5) Allow livestock to be unsupervised in any public place.

(6) Allow livestock to wander at large: Which shall mean, knowingly or willingly set animals free or by creating a means or opportunity for which livestock is able to wander at large.

(7) Cause livestock to wander at large: Which shall mean, failing to provide adequate fencing or gates, or by failing to repair or keep in good condition fencing or gates required to contain livestock within a property boundary.

4. Exemptions to Part 2 Section 3 of this Local Law are;

Droving of livestock is permitted under certain conditions—

- (i) in accordance with the Local Government (Misc. provisions) Act as amended,
- (ii) in accordance with regulation 1702A and 1703 of the Road Traffic Code 2000.

Grazing of livestock may be permitted where written approval has been granted by the Local Government to tether or fence livestock to graze certain public lands during daylight hours and will be subject to the following condition;

- (iii) that the subject land is not a thoroughfare or access way.
- (iv) that the subject land is not classified for conservation.
- (v) subject livestock does not exceed the prescribed stocking limit.
- (vi) subject livestock is compatible with land subject of the application.
- (vii) a Local Government officer may withdraw or cancel an approval to graze or tether livestock in public places immediately and without notice.
- (viii) the grazing or tethering of livestock in public places may only occur during daylight hours, being between the hours of 0630 and 1730. The subject livestock shall be placed within the owner’s property boundary at all other times.

PART 3—Penalties

5. Breach for allowing Livestock to Wander at Large.

An owner commits a breach if livestock is allowed to wander at large or be in a public place without consent of the Local Government;

Penalty – \$200 and offending livestock being impounded by the Local Government.

6. Contravention leading to Impound and Recovery of Charges, Fees and Costs.

Contravention of this Local Law may result in offending Livestock being impounded by the Local Government, the owner is responsible for Charges, Fees and other reasonable Costs for the impound, maintenance and sustenance of the Livestock in accordance with the Local Government Schedule of Fees and Charges as amended annually.

Dated this 11th day of October 2004.

The Common Seal of the Boddington was affixed by the authority of a resolution of the Council in the presence of—

DENNIS VEITCH, Shire President.
PETER BRADBROOK, Chief Executive Officer.

LG303*

LOCAL GOVERNMENT ACT 1995 AGRICULTURE AND RELATED RESOURCES PROTECTION ACT 1976

Shire of Boddington

LOCAL LAWS RELATING TO PEST PLANTS

In pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the Shire of Boddington hereby records having resolved on the 20th July 2004 to make the following local laws:

APPLICATION

(1) The following local laws may be cited as the Local Laws Relating to Pest Plants.

INTERPRETATION

(2) In these local laws, unless the context otherwise requires—

“Council” means the Council of the Shire of Boddington

“townsite” means the townsite of Boddington as promulgated in *Government Gazette* dated 9 December 1988 page 4830.

“pest plant” means a plant described as a pest plant by local law (4) of these local laws.

(3) These local laws apply in respect of the townsite and the road reserve along Bannister/Marradong and Pinjarra/Williams Roads.

(4) Every plant described in the First Schedule of these local laws is a pest plant.

(5) The Council may serve on the owner or occupier of private land within the declared area a duly completed notice in the form of the Second Schedule to these local laws requiring him/her to destroy, eradicate or otherwise control any pest plant on that land and any person so served shall comply with that notice within the time and in the manner specified therein.

(6) Where a person fails to comply with a notice under local law (5) of these local laws served upon him/her, the Council may—

(a) without payment of any compensation in respect thereof, destroy, eradicate or control, as the case may be, any pest plant the destruction, eradication and control of which was required by the notice; and

(b) recover in a court of competent jurisdiction from the person to whom the notice is directed, the amount of the expense of such destruction, eradication or control.

First Schedule

PEST PLANTS

Common Name

Lovegrass

Bridal creeper

Watsonia/

Wild gladioli

Prickly Lettuce

Scientific Name

Eragrotis curvulata

Asparagus asparagoides

W.borbonica hybrid

W.bulbillifera

Lactuca Serriola

Second Schedule

AGRICULTURE AND RELATED RESOURCES PROTECTION ACT 1976.

Shire of Boddington Pest Plant Local Laws 2004.

No.

To
(full names)

of
(address)

You are hereby given notice under the above local laws that you are required to:

(specify whether required to destroy, eradicate, or otherwise control) the pest plant

.....
(Common Name)

.....
(Scientific Name)

on
(specify the land)

of which you are the
(owner or occupier)

This notice may be complied with by

.....
(specify manner of achieving destruction, eradication or control)

Such measures shall be commenced not later than
(date)

and shall be completed by
(date)

Upon failure to comply with this notice within the times specified, the Council may destroy, eradicate or control, as the case may be, any specified pest plant at your expense.

Date of service of notice

.....
Signature of person authorised by the Council
of the Shire of Boddington.

Dated this 11th day of October 2004.

The Common Seal of the Shire of Boddington was hereto affixed by authority of a resolution of the Council in the presence of—

DENNIS VEITCH, Shire President.
PETER BRADBROOK, Chief Executive Officer.

LG304*

LOCAL GOVERNMENT ACT 1995

Murchison Regional Vermin Council

LOCAL LAW RELATING TO THE NUMBER ONE VERMIN FENCE

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- 4.3 Liability for damage
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SCHEDULE 1 – PRESCRIBED OFFENCES

LOCAL GOVERNMENT ACT 1995*Murchison Regional Vermin Council*

LOCAL LAW RELATING TO THE NUMBER ONE VERMIN FENCE

Under the powers conferred by the *Local Government Act 1995* and by all other powers, the Council of the Murchison Regional Vermin Council (MRVC) resolved to make the following Local Law on the second day of February 2004.

PART 1—PRELIMINARY**1.1 Citation**

This Local Law may be cited as the Murchison Regional Vermin Council Local Law Relating to the Number One Vermin Fence.

1.2 Application of the Local Law

This Local Law applies throughout the local government districts of Yalgoo, Mount Magnet, Cue, Meekatharra and Sandstone.

1.3 Interpretation

In this Local Law, unless the context requires otherwise—

- “Act” means the *Local Government Act 1995* (as amended);
- “authorised person” means a person authorised by the Murchison Regional Vermin Council under section 9.10 of the Act to perform any of the functions of an authorised person under this Local Law;
- “CEO” means the Chief Executive Officer of the Murchison Regional Vermin Council;
- “Fence” means that portion of the Rabbit Proof Fence (otherwise known as the Number One Vermin Fence) on Reserve No. 29839;
- “MRVC” means the Murchison Regional Vermin Council;
- “Murchison Regional Vermin Council property” means anything, whether land or not, that belongs to or is vested in or under the care, control or management of the MRVC;
- “occupier” has the meaning given to it in the Act;
- “owner” has the meaning given to it in the Act;
- “Regulations” means the *Local Government (Functions and General) Regulations 1996*; and
- “Reserve” means Reserve No. 29839 in respect of which the Murchison Regional Vermin Council is the management body under the *Land Administration Act 1997*.

1.4 Notification through signs

- (1) The Murchison Regional Vermin Council may erect a sign on the Reserve or Fence specifying any conditions of use which apply to that property.
- (2) A person shall comply with a sign erected under subclause (1). Failure to do so constitutes an offence.
- (3) A condition of use specified on a sign erected under subclause (1) is—
 - (a) not to be inconsistent with any provision of this Local Law; and
 - (b) to be for the purpose of giving notice of the effect of a provision of this Local Law.

PART 2—FUNCTIONS OF THE MURCHISON REGIONAL VERMIN COUNCIL

2.1 Protection of the Fence

- (1) The Murchison Regional Vermin Council may erect, remove, alter, maintain, repair or renew the Fence and in so doing manage the Reserve.
- (2) For the purposes of subclause (1), the Murchison Regional Vermin Council may—
 - (a) take from land any native growing or dead timber, earth, stone, sand or gravel even though the land is not Murchison Regional Vermin Council property; and
 - (b) clear the land within the Reserve on each side of the Fence.
- (3) Nothing in subclause (2) shall empower the destruction of trees used for shade or windbreaks, or trees used to prevent erosion or degradation of the soil on land which is not Murchison Regional Vermin Council property.

2.2 Performing functions

The Murchison Regional Vermin Council may perform its functions in relation to the Fence by acting through—

- (a) persons or classes of persons authorised under section 9.10 of the Act; and
- (b) authorised fencing contractors.

PART 3—BEHAVIOUR ON MURCHISON REGIONAL VERMIN PROPERTY

3.1 Offences relating to the Reserve

- (1) A person shall not enter, remain on or travel along the Reserve without the prior written consent of the CEO. If a person does so without such consent, that person commits an offence.
- (2) Subclause (1) does not apply in the case of an owner or occupier of the land lawfully using the Fence to enclose his holding.

3.2 Offences relating to the Fence

- (1) A person shall not, unless authorised to do so—
 - (a) destroy or damage any portion of the Fence or gate or motor traffic pass, in the Fence;
 - (b) leave a gate in the Fence open after opening or passing through that gate;
 - (c) carry, drive or pass any live declared animal through, under or over the Fence; or
 - (d) attach any animal trap, diversionary wing fence, gate, wire netting or other attachment to the Fence.
- (2) A person who commits one of the actions listed in subclause (1) commits an offence, unless authorised to do so.

PART 4—MISCELLANEOUS

4.1 Authorised person to be obeyed

A person on the Reserve shall obey any lawful direction of an authorised person, and shall not in any way obstruct or hinder an authorised person in the execution of her or his duties. A person who contravenes this clause commits an offence.

4.2 Persons may be directed to leave the Reserve

An authorised person may direct a person to leave the Reserve where she or he reasonably suspects that the person has contravened a provision of any written law. Failure to comply with such a direction constitutes an offence.

4.3 Liability for damage

- (1) Where a person unlawfully damages Murchison Regional Vermin Council property, the MRVC may by notice in writing to that person require that person within the time required in the notice to, at the option of the MRVC, pay the costs of—
 - (a) reinstating the property to the state it was in prior to the occurrence of the damage; or
 - (b) replacing that property.
- (2) On failure to comply with a notice issued under subclause (1), the Murchison Regional Vermin Council may recover the costs referred to in the notice as a debt due to it.

PART 5—ENFORCEMENT

Division 1—Notices given under this Local Law

5.1 Offence to fail to comply with the notice

Whenever the Murchison Regional Vermin Council gives a notice under this Local Law requiring a person to do any thing, if a person fails to comply with the notice, that person commits an offence.

5.2 Murchison Regional Vermin Council may undertake requirements of the notice

Where a person fails to comply with a notice referred to in clause 5.1, the Murchison Regional Vermin Council may do the thing specified in the notice and recover from the person to whom the notice was given as a debt, the costs incurred in so doing.

Division 2—Offences and Penalties

Subdivision 1—General

5.3 Offences and general penalty

(1) Any person who fails to do anything required or directed to be done under this Local Law or who does anything which under this Local Law that person is prohibited from doing, commits an offence.

(2) Any person who commits an offence under this Local Law is liable upon conviction to a penalty not exceeding \$1,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

Subdivision 2—Infringement Notices and Modified Penalties

5.4 Prescribed offences

(1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of section 9.16 (1) of the Act.

(2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 1.

(3) For the purpose of guidance only, before giving an infringement notice to a person in respect of the commission of a prescribed offence an authorised person should be satisfied that—

- (a) commission of the prescribed offence is a relatively minor matter; and
- (b) only straightforward issues of law and fact are involved in determining whether the prescribed offence was committed, and the facts in issue are readily ascertainable.

5.5 Form of notices

(1) For the purposes of this Local Law—

- (a) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the Regulations;
- (b) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the Regulations; and
- (c) the form of the notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.

SCHEDULE 1 – PRESCRIBED OFFENCES

Clause	Description	Modified Penalty
1.4(2)	Failure to comply with any sign on Murchison Regional Vermin Council property	\$500
3.1(1)	Unlawful entry of the Reserve	\$500
3.2(1)(a)	Unauthorised destruction or damage to the Fence	\$1,000
3.2(1)(b)	Leaving the gate open, without authorisation	\$500
3.2(1)(c)	Unauthorised passing of declared animals through the Fence	\$500
3.2(1)(d)	Unauthorised attachment to the Fence	\$500
4.1	Failure to comply with the direction of an authorised person	\$500
4.2	Failure to leave the Reserve when lawfully directed	\$500
5.1	Failure to comply with the notice	\$500

Dated this 23rd day of August 2004.

The Common Seal of the Murchison Regional Vermin Council was affixed in the presence of—

D. MORRISSEY, President.
P. R. WEBSTER, CEO.

WORKSAFE

WS301*

Occupational Safety and Health Act 1984

**Occupational Safety and Health Amendment
Regulations (No. 3) 2004**

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Occupational Safety and Health Amendment Regulations (No. 3) 2004*.

2. Commencement

These regulations come into operation on 1 January 2005.

3. The regulations amended

The amendments in these regulations are to the *Occupational Safety and Health Regulations 1996*.*

[* Reprint 3 as at 9 July 2004.]

4. Regulation 1.3 amended

- (1) Regulation 1.3 is amended in the definition of “AS” by deleting “the Standards Association of” and inserting instead —
“ Standards ”.
- (2) Regulation 1.3 is amended in the definition of “AS/NZS” by deleting “the Standards Association of” and inserting instead —
“ Standards ”.

5. Regulation 1.12 amended

- (1) Regulation 1.12(a) is amended by deleting “the Standards Association of” and inserting instead —
“ Standards ”.
- (2) Regulation 1.12(b) is amended by deleting “the Standards Association of” and inserting instead —
“ Standards ”.

6. Part 3 Division 9 Subdivision 1 heading amended

The heading to Part 3 Division 9 Subdivision 1 is amended by deleting “for use in buildings”.

7. **Regulation 3.88 replaced with regulations 3.88 to 3.88J**

Regulation 3.88 is repealed and the following regulations are inserted instead —

“

3.88. Interpretation

(1) In this Subdivision —

“**concrete panel**” means a concrete panel that is manufactured as a separate and movable panel for the purpose of being incorporated as a wall once the process by which the panel is manufactured is complete, but does not include a column, beam or paving slab or a panel that is for decorative purposes only;

“**tilt-up work**” means any of the following —

- (a) the manufacture, transport, craning, temporary storage, erection or temporary bracing of a concrete panel;
- (b) the fixing of a concrete panel for the incorporation of the panel as a wall;
- (c) the removal of temporary bracing of a concrete panel;

“**wall**” includes a retaining wall.

(2) For the purposes of this Subdivision, a reference in AS 3850 to a tilt-up panel is to be treated as a reference to a concrete panel as defined in subregulation (1).

3.88A. Commissioner to be given notice of intention to manufacture concrete panels

- (1) A person who, at a workplace (other than a construction site) where a concrete panel is proposed to be manufactured, is an employer or a self-employed person must ensure that the Commissioner is notified of the proposed work at least 10 working days before the panel is proposed to be cast.
- (2) A person who, at a construction site where a concrete panel is proposed to be manufactured, is the main contractor must ensure that the Commissioner is notified of the proposed work at least 10 working days before the panel is proposed to be cast.
- (3) A notice under subregulation (1) or (2) is to be in an approved form and must specify —
 - (a) the construction site or other workplace at which the proposed manufacturing work is to take place; and

- (b) the construction site at which the panel is to be incorporated as a wall once the process by which the panel is manufactured is complete.

Penalty applicable to subregulations (1) and (2):
\$25 000.

- (4) A person referred to in subregulation (1) (other than the Commissioner) must ensure that a copy of the notice is given to the main contractor at the construction site referred to in subregulation (3)(b) within the period referred to in subregulation (1).

Penalty: \$2 000.

3.88B. Manufacture of concrete panels to be in accordance with Standard

- (1) A person who, at a workplace (other than a construction site) where a concrete panel is proposed to be manufactured, is an employer or a self-employed person must ensure that —
 - (a) the design and shop drawings of the panel are in accordance with AS 3850 section 3;
 - (b) the materials, components and equipment used in the manufacture of the panel are in accordance, or used in accordance, with AS 3850 section 2;
 - (c) the manufacture of the panel is in accordance with AS 3850 section 4; and
 - (d) a competent person who is not involved in the original form set-up conducts an inspection referred to in AS 3850 section 4.10 and provides a written report setting out the inspection results.
- (2) A person who, at a construction site where a concrete panel is proposed to be manufactured, is the main contractor must ensure that —
 - (a) the design and shop drawings of the panel are in accordance with AS 3850 section 3;
 - (b) the materials, components and equipment used in the manufacture of the panel are in accordance, or used in accordance, with AS 3850 section 2;
 - (c) the manufacture of the panel is in accordance with AS 3850 section 4; and
 - (d) a competent person who is not involved in the original form set-up conducts an inspection referred to in AS 3850 section 4.10 and provides a written report setting out the inspection results.

Penalty applicable to subregulations (1) and (2):
\$25 000.

3.88C. Transport, cramage, storage and erection of concrete panels at construction sites to be in accordance with Standard

- (1) A person who, at a construction site, is the main contractor, an employer or a self-employed person must ensure that —
- (a) the transport of a concrete panel at or adjacent to the construction site is in accordance with AS 3850 section 5; and
 - (b) the cramage, temporary storage and erection of a concrete panel at the construction site is in accordance with AS 3850 section 5.

Penalty: \$25 000.

- (2) For the purposes of subregulation (1), a reference in AS 3850 —
- (a) section 5.1 to a delivery vehicle is to be treated as a reference to a vehicle that transports a concrete panel at or adjacent to the construction site;
 - (b) section 5.1.3 to the specification of particular requirements for the unloading of panels is to be treated as a reference to the specification of such matters by a qualified practising engineer;
 - (c) section 5.2 to a designated area is to be treated as a reference to an area that is —
 - (i) well-drained and consolidated;
 - (ii) located where there is little chance of damage to the panels to be stored;
 - (iii) adequate to support the weight of the panels to be stored and any necessary stacking frames; and
 - (iv) unlikely to settle unevenly;and
 - (d) section 5.4.3 to a suitably qualified person is to be treated as a reference to a qualified practising engineer.

3.88D. Temporary bracing of concrete panels at construction sites to be in accordance with Standard

- (1) A person who, at a construction site, is the main contractor, an employer or a self-employed person must ensure that —
- (a) the design of temporary bracing for a concrete panel at the construction site is in accordance with AS 3850 section 6; and

- (b) the temporary bracing of a concrete panel at the construction site is in accordance with AS 3850 section 6.

Penalty: \$25 000.

- (2) For the purposes of subregulation (1), a reference in AS 3850 section 6.2 to written approval for a variation is to be treated as a reference to the written approval of a qualified practising engineer.

3.88E. Incorporation of concrete panels into final structure to be in accordance with Standard

A person who, at a construction site, is the main contractor, an employer or a self-employed person must ensure that —

- (a) the fixing of a concrete panel for the incorporation of the panel as a wall at the construction site is in accordance with AS 3850 section 7; and
- (b) the removal of temporary bracing of a concrete panel at the construction site is in accordance with AS 3850 section 7.

Penalty: \$25 000.

3.88F. Tilt-up work at construction sites not to be done unless notification of intention to manufacture panels has been given

A person must not do any kind of tilt-up work in relation to a concrete panel (other than work relating to the manufacture of a concrete panel at a stage before the panel is cast) at a construction site unless the Commissioner has been notified of the intention to manufacture the panel under regulation 3.88A(1) or (2), as is relevant to the case.

Penalty for a person who commits the offence as an employee: \$5 000.

Penalty in any other case: \$25 000.

3.88G. Certain documents to be at construction sites where tilt-up work done

- (1) The main contractor at a construction site must ensure that at all times when tilt-up work is being done at the site there is kept at the site —
 - (a) if a concrete panel that is, or is to be, involved in the work was manufactured at a place other than the construction site, the copy of the notification to the Commissioner given under

- regulation 3.88A(4) to the main contractor in respect of the panel;
- (b) if a concrete panel that is, or is to be, involved in the work was manufactured at the construction site, a copy of the notification under regulation 3.88A(2) given to the Commissioner in respect of the panel;
 - (c) a copy of any exemption under regulation 2.12 relating to the work;
 - (d) a copy of the shop drawings of each concrete panel that is, or is to be, involved in the work;
 - (e) a current plan setting out details of the proposed execution of the work;
 - (f) a copy of any written or diagrammatic advice, from a qualified practising engineer, received by the main contractor, that sets out the manner in which an aspect of the work should be executed; and
 - (g) in relation to each concrete panel that is, or is to be, involved in the work, a copy of the inspection report for that panel referred to in regulation 3.88B(1)(d) or (2)(d), as is relevant to the case.

Penalty: \$25 000.

- (2) Nothing in subregulation (1) limits the operation of regulation 3.2.

3.88H. Limited entry to areas of construction sites where tilt-up work being done

A person who, at a construction site where tilt-up work is being done, is the main contractor, an employer, a self-employed person, a person having control of the workplace or a person having control of access to the workplace (a “**responsible person**”) must not allow any person to enter or remain in an area of the site where tilt-up work is being done except —

- (a) a person doing the work;
- (b) a person who has the written authority of a responsible person to enter the area for a purpose connected with the work; or
- (c) a person authorised under a written law to enter the area.

Penalty for a person who commits the offence as an employee: \$5 000.

Penalty in any other case: \$25 000.

3.88I. Certain persons to ensure that only trained persons manufacture concrete panels

- (1) A person who, at a workplace where a concrete panel is proposed to be manufactured, is a person having control of the workplace must ensure that —
- (a) the manufacture is directly supervised by a person who has completed an approved course for managers and supervisors in the construction industry concerning the manufacture of concrete panels; and
 - (b) each person involved in the manufacture has completed an approved course for persons involved in the manufacture of concrete panels concerning the aspect of the work in which the person is involved.

Penalty applicable to a person who commits the offence as an employee: \$5 000.

Penalty in any other case: \$25 000.

- (2) A person does not commit an offence under subregulation (1) if the person's failure to comply with the subregulation occurred before 1 July 2005.

3.88J. Certain persons to ensure that only trained persons do tilt-up work other than manufacturing concrete panels

- (1) A person who, at a construction site where tilt-up work (other than work relating to the manufacture of a concrete panel) is proposed to be done, is a person having control of the workplace must ensure that —
- (a) the work is directly supervised by a person who has completed an approved course for managers and supervisors in the construction industry concerning tilt-up work; and
 - (b) each person involved in the work has completed an approved course for persons involved in tilt-up work concerning the aspect of the tilt-up work in which the person is involved.

Penalty applicable to a person who commits the offence as an employee: \$5 000.

Penalty in any other case: \$25 000.

- (2) A person does not commit an offence under subregulation (1) if the person's failure to comply with the subregulation occurred before 1 July 2005.

8. Regulation 3.123 amended

Regulation 3.123(1) is amended by deleting “subregulations (2) and (3),” and inserting instead —

“ subregulation (2), ”.

9. Schedule 1 amended

Schedule 1 item 43 is deleted and the following item is inserted instead —

“

43	AS 3850 – 2003	Tilt-up concrete construction	3.88, 3.88B, 3.88C, 3.88D, 3.88E
----	----------------	-------------------------------	----------------------------------

”.

By Command of the Governor,

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

— PART 2 —

AGRICULTURE

AG401

CHICKEN MEAT INDUSTRY ACT 1977
SPECIFIED AMOUNTS

The Chicken Meat Industry Committee, acting pursuant to Section 16 of the Chicken Meat Industry Act 1977, hereby determines—

That the Average price to be paid by processors to growers for broiler chickens shall be 54.25 cents per bird and shall apply to all chickens placed from 1 July, 2004.

Dated this 24th day of September, 2004.

PETER SMETANA, Chairman.

The Common Seal of the Chicken Meat Industry Committee was affixed hereto in the presence of—

ROLAND BISHOP.

CONSUMER AND EMPLOYMENT PROTECTION

CE401

ASSOCIATIONS INCORPORATION ACT 1987
SECTION 35

Cancelled Association

KURRA POTTERY INCORPORATED

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

Dated the 14th day of October 2004.

PATRICK WALKER, Commissioner for Fair Trading.

CE402

ASSOCIATIONS INCORPORATION ACT 1987
SECTION 35

Cancelled Associations

GOLDFIELDS SOLO RIDERS CLUB (INC)

THE AUSTRALIAN SPEEDWAY RIDERS' ASSOCIATION

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

Dated the 18th day of October 2004.

STEPHEN MEAGHER, Manager,
Registration Services for
Commissioner for Fair Trading.

ELECTORAL COMMISSION

EC401

ELECTORAL ACT 1907
REGISTRATION OF POLITICAL PARTIES
NOTICE OF APPLICATION (SECTION 62G)

New Country Party

An application has been made for the registration of the New Country Party as a political party in Western Australia.

The following information was included in the application—

- (a) Name for political party: New Country Party
 (b) Abbreviation of name for
 use on ballot papers: New Country Party
 (c) Name and address of
 Secretary of Party: Francis Carson Hough
 40 Lucraft Loop LEDGE POINT WA 6043

Any elector who believes that the application—

- (i) is not in accordance with Section 62E of the *Electoral Act 1907*; or
 (ii) should be refused under Section 62J of the *Electoral Act 1907*

is invited to submit to the Electoral Commissioner by 22 November 2004, a statement which—

- (a) sets out in detail the grounds for the elector's belief in respect to (i) and (ii) above;
 (b) sets out the elector's residential address and postal address; and
 (c) is signed by the elector.

Any statement submitted will be available for public inspection without fee at the Western Australian Electoral Commission, Level 2, 111 St George's Terrace, PERTH WA 6000.

WARWICK GATELY AM, Acting Electoral Commissioner.

FIRE AND EMERGENCY SERVICES

FE401*

BUSH FIRES ACT 1954
PROHIBITED BURNING PERIOD (SECTION 17)
RESTRICTED BURNING PERIOD (SECTION 18)

Fire and Emergency Services Authority,
Perth.

Correspondence No. 00111

PROHIBITED BURNING PERIOD

Pursuant to powers delegated and subdelegated under the *Bush Fires Act 1954*, I, Bill Hewitt, A/FESA Chief Executive Officer, hereby declare under Section 17 of that Act that it shall be unlawful to set fire to the bush in the Local Government district of the Shire of Williams during the period indicated in the schedule below. The declarations made under Section 17(1) of that Act, as published in the *Government Gazette* of 27 October 1995, are hereby revoked.

Schedule

Local Government	Zone	Prohibited Burning Period	Special Comm. Date
Shire of Williams	4	1 November – 14 February	N/A

RESTRICTED BURNING PERIODS

It is hereby notified that pursuant to the powers contained in Section 18 of the *Bush Fires Act 1954* the Fire and Emergency Services Authority of Western Australia has declared the Restricted Burning Periods for the Local Government district of the Shire of Williams as specified in the schedule below. The respective declarations made under Section 18 of that Act, as published in the *Government Gazette* of 27 October 1995 are hereby revoked.

Schedule

Local Government	Restricted Burning Period
Shire of Williams	23 September – 29 March

BILL HEWITT, A/FESA Chief Executive Officer.

FE402*

BUSH FIRES ACT 1954

PROHIBITED BURNING PERIOD (SECTION 17)

RESTRICTED BURNING PERIOD (SECTION 18)

Fire and Emergency Services Authority,
Perth.

Correspondence No. 00111

PROHIBITED BURNING PERIOD

Pursuant to powers delegated and subdelegated under the *Bush Fires Act 1954*, I, Bill Hewitt, A/FESA Chief Executive Officer, hereby declare under Section 17 of that Act that it shall be unlawful to set fire to the bush in the Local Government district of the Shire of Dowerin during the period indicated in the schedule below. The declarations made under Section 17(1) of that Act, as published in the *Government Gazette* of 27 October 1995, are hereby revoked.

Schedule

Local Government	Zone	Prohibited Burning Period	Special Comm. Date
Shire of Dowerin	4	6 November – 29 February	N/A

RESTRICTED BURNING PERIODS

It is hereby notified that pursuant to the powers contained in Section 18 of the *Bush Fires Act 1954* the Fire and Emergency Services Authority of Western Australia has declared the Restricted Burning Periods for the Local Government district of the Shire of Dowerin as specified in the schedule below. The respective declarations made under Section 18 of that Act, as published in the *Government Gazette* of 27 October 1995 are hereby revoked.

Schedule

Local Government	Restricted Burning Period
Shire of Dowerin	20 October – 30 April

BILL HEWITT, A/FESA Chief Executive Officer.

JUSTICE

JU401

SUPREME COURT ACT 1935**RULE OF COURT 2005****Sittings and Winter Vacation for 2005**

Pursuant to the powers conferred by the Supreme Court Act 1935, and all other powers hereunto enabling, the Judges of the Supreme Court hereby order as follows.

FULL COURT SITTINGS

- (1) Sittings of the Full Court for the year 2005 shall be ten in number, and shall commence on the following days—

Tuesday	1 February
Tuesday	1 March
Friday	1 April
Monday	2 May
Wednesday	1 June
Tuesday	19 July
Monday	1 August
Thursday	1 September
Monday	3 October
Tuesday	1 November
- (2) The Full Court may sit on such other days as it shall think fit.
- (3) Unless otherwise directed by the Chief Justice, criminal appeals and applications only shall be listed for hearing at the July sittings.

PERTH CIVIL SITTINGS

- Civil sittings of the Supreme Court at Perth for the trial of causes and issues of fact during the year 2005 shall commence on Tuesday, 11 January and shall continue, except for the Easter and Winter vacations and for Public Service holidays, until Friday 23 December.

PERTH CRIMINAL SITTINGS

3. Criminal sittings of the Supreme Court to be held at Perth during the year 2005 shall commence on the following days—

Tuesday	11 January
Tuesday	1 February
Tuesday	1 March
Friday	1 April
Monday	2 May
Wednesday	1 June
Monday	18 July
Monday	1 August
Thursday	1 September
Monday	3 October
Tuesday	1 November
Thursday	1 December

WINTER VACATION

4. The winter vacation for 2005 shall commence on Monday 4 July and shall terminate on Sunday 17 July.

Dated the 8th day of October 2004.

DAVID K. MALCOLM.
M. J. MURRAY.
N. J. OWEN.
C. D. STEYTLER.
A. J. TEMPLEMAN.
C. WHEELER.
GEOFFREY MILLER.
JOHN McKECHNIE.
L. ROBERTS-SMITH.
C. J. McLURE.
C. PULLIN.
ERIC M. HEENAN.
MICHAEL BARKER.
R. Le MIERE.
CAROLYN JENKINS.
R. L. SIMMONDS.

JU402

SUPREME COURT ACT 1935

CIRCUIT SITTINGS FOR 2003

Pursuant to section 46 of the Supreme Court Act 1935, I hereby appoint the following sittings of the Supreme Court at circuit towns for the year 2005.

CIRCUIT TOWN	DATE OF COMMENCEMENT
Albany	7 February
	4 April
	13 June
	15 August
	17 October
	5 December
Bunbury	21 February
	18 April
	20 June
	5 September
	31 October
Busselton	14 February
	11 April
	27 June
	22 August
	24 October
	12 December

CIRCUIT TOWN	DATE OF COMMENCEMENT
Esperance	7 February
	26 April
	20 June
	5 September
	24 October
	5 December
Kalgoorlie	21 February
	2 May
	25 July
	12 September
	31 October
	12 December
Fremantle	17 January
	11 April
	20 June
	29 August
	10 October
	5 December
Rockingham	14 February
	11 April
	18 July
	12 September
	14 November
Carnarvon)	31 January
Geraldton)	4 April
Karratha)	7 June
South Hedland)	1 August
Broome)	3 October
Derby)	28 November
Kununurra)	

Dated the 8th day of October 2004.

DAVID K. MALCOLM, AC, Chief Justice of Western Australia.

LOCAL GOVERNMENT

LG501*

BUSHFIRES ACT 1954

FIREBREAK NOTICE

City of Armadale

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

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 2004 or within fourteen days of you becoming the owner or occupier of land should this be after the 30th day of November 2004 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 2005.

FIREBREAKS

Subject to item 5, firebreaks must be established not less than three (3) metres in width in the following positions on all land owned or occupied by you and situated within the City of Armadale.

- 1 Immediately inside all external boundaries of the land.
- 2 Immediately surrounding all buildings erected on the land.
- 3 Immediately surrounding all fuel ramps and dumps on the land.
- 4 Immediately surrounding all haystacks on the land.
- 5 On any lot having an area of less than 3,000m², 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. For the purpose of this notice grass kept at a height of less than 5 centimetres will be deemed not to be flammable material.

Such firebreaks may be constructed by one or more of the following methods—

PLOUGHING, CULTIVATING, SCARIFYING, BURNING, CHEMICAL SPRAYING OR OTHER APPROVED METHOD.

And are to be cleared to the satisfaction of an Authorised Officer of the City of Armadale In addition you may be required to carry out further works which are considered necessary by 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.

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. This option must first be discussed with an Authorised Officer of the City, and approved by the Authorised Officer in writing.

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 2004 (or within 14 days of you becoming the owner or occupier should this occur after that date) and maintained clear of flammable material up to and including the 14th day of March 2005.

APPLICATION TO VARY THE ABOVE 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 not later than the 1st day of November 2004 for permission to provide firebreaks in alternative positions on the land. If permission is not granted by the Council or it's duly Authorised Officers you must comply with the requirements of this notice.

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.

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.

LG401*

DOG ACT 1976

APPOINTMENTS

Shire of Augusta-Margaret River

It is hereby notified for public information that the following persons have been appointed as registration officers pursuant to the Dog Act 1976—

Lisa Maree Wrigglesworth
Candice Sharon D'castro
Kylie Jean Maggs
June Margaret Elizabeth Clarke
Bailey Sarah Mittnacht
Gaye Elizabeth Carroll

All other appointments are hereby cancelled.

JAMES TRAIL, Chief Executive Officer.

MINERALS AND PETROLEUM

MP401*

PETROLEUM PIPELINES ACT 1969

VARIATION OF PIPELINE LICENCE

Pipeline Licence PL 1 held by CMS Gas Transmission of Australia has been varied by instrument of Variation 3P/04-5.

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

MP402*

State of Western Australia

PETROLEUM ACT 1967**GRANT OF EXPLORATION PERMIT**

Exploration Permit No. EP431 has been granted to Arc Energy Limited to have effect for a period of six (6) years from 7th October 2004.

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

MP403*

State of Western Australia

PETROLEUM ACT 1967**GRANT OF EXPLORATION PERMIT**

Exploration Permit No. EP432 has been granted to Gulliver Productions Pty Ltd to have effect for a period of six (6) years from 11th October 2004.

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

MP404**MINING ACT 1978****INTENDED HEARING OF APPLICATION FOR FORFEITURE OF MINING TENEMENTS**

In accordance with Regulation 49(2)(c) of the Mining Regulations 1981, notice is hereby given that applications for the forfeiture of the following mining tenements pursuant to the provisions of Section 96(1)(a) of the Mining Act, 1978, for breach of covenant, viz, failure to comply with the prescribed expenditure conditions, are to be heard before the Warden in Open Court, Court House, Rochester Street, Leonora at 9.00am on 25 November 2004.

Tenement Type	Number	Holder	Mineral Field	Year Ending
Prospecting Licence	38/4211	Axis Consultants Pty Ltd	Mt Margaret	23/1/04
Prospecting Licence	39/4213	Axis Consultants Pty Ltd	Mt Margaret	23/1/04

Objections (Form 16) against the forfeiture of the mining tenement by the Warden may be lodged at the office of the Mining Registrar, Leonora prior to 25 November 2004.

S. P. SHARRATT, SM, Warden.

PREMIER AND CABINET

PC401***INTERPRETATION ACT 1984****MINISTERIAL ACTING ARRANGEMENTS**

It is hereby notified for public information that the Lieutenant-Governor and deputy of the Governor in accordance with Section 52(1)(b) of the Interpretation Act 1984 has approved the following temporary appointment—

Hon Dr J M Edwards MLA to act temporarily in the office of Minister for Planning and Infrastructure in the absence of the Hon A MacTiernan MLA for the period 20 to 25 October 2004 (both dates inclusive).

M. C. WAUCHOPE, Director General,
Department of the Premier And Cabinet.

PLANNING AND INFRASTRUCTURE

PI402*

TOWN PLANNING AND DEVELOPMENT ACT 1928

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

City of Fremantle

Town Planning Scheme No. 3—Amendment No. 62

Ref: 853/2/5/6 Pt 62

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 13 October 2004 for the purpose of—

1. Rezoning portions of Location 223 Lefroy Road bounded by Lefroy Road, Moran Street, Moran Court, Beaconsfield from “Inner Urban R20” to “Residential R20” as depicted upon the scheme amendment map;
2. Rezoning those portions depicted upon the scheme amendment map of Location 223 Lefroy Road from “Inner Urban R20” to “Residential R35 and R40”;
3. Putting in place “Development Plan 19” as depicted upon the scheme amendment map, to be bounded by Location 223 Lefroy Road and bounded by Lot 18 Lefroy Road and Lot 20 Mather Road, Beaconsfield ;
4. Adding Development Plan 19—to Appendix A of the Scheme Text as follows—

“APPENDIX A 19—DEVELOPMENT PLAN, BEACONSFIELD

1.0 Objectives

To ensure resolution of the following specific planning issues in the Development Plan area is part of an overall planning solution for the locality—

- the Fremantle Bypass and its deletion or otherwise from the Metropolitan Region Scheme; and
- resolution of land fill grades between subject lands

2.0 The Fremantle Bypass

When the CAH is deleted from the MRS, the Council and the owner establish a satisfactory bank landform which relates to the desired future uses of Councils land.

In the event that the Controlled Access Highway (CAH) reserve remains in the Metropolitan Region Scheme (MRS) at the Gazettal of Amendment 62, the final subdivision of part Location 223 shall account for grades and levels necessary for the construction of the CAH subject to Council and Main Roads WA approval.

3.0 The Subdivision of Location 223

The subdivision approval of the balance of Location 223 within the Development Plan Area, will be subject to resolution of the above issues. The land will be subdivided as a final stage of subdivision at the R35 Density Code of the Residential Design Codes.

4.0 Environmental Requirements

4.1 If a development application is made under this scheme for land within the Development Plan created by Amendment 62, the Council shall—

- have regard to the provisions of sub-clause 4(a),
- have regard to the potential contamination associated with prior and adjoining land use of the area, and
- forward any substantial development applications to the Land and Water Quality Branch (LWQB) of the Department of Environment (DoE) with regard to (b) below.
 - (a) Without limiting the Council’s discretion under 4.1 above, a development shall be regarded as substantial where there is proposed to be a change in land use or the disturbance of a volume of soil greater than or equal to 25 cubic metres. This provision does not include routine maintenance or upgrade works by a public authority or a local government authority.
 - (b) Where an application is forwarded to the DoE under 4.1 above, the proposal shall be accompanied by a Detailed Site Investigation to the standards prescribed by the DoE Land and Water Quality Branch. The DoE shall review the application with regard to the potential for ecological and/or human health related risk, and may request the Council to impose conditions upon any approval to be issued by the Council for the development to address any contamination prior to development. Where remediation is required the Council shall impose a condition on the development approval requiring the submission of a Site Management Plan and a Post-Remediation Validation Report.”

5. Amending the Scheme Maps accordingly.

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

PI401*

TOWN PLANNING AND DEVELOPMENT ACT 1928
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT
Shire of Dardanup

Town Planning Scheme No. 7—Amendment No. 4

Ref: 853/6/9/10 Pt 4

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 Dardanup Town Planning Scheme Amendment on 18 October 2004 for the purpose of—

1. Amending the Scheme Map by rezoning Lots 22, 23, portion of Lots 1 and 3 Harris Road, Lots 30 to 39 (inclusive) Golding Crescent and portion of Lot 10 Martin-Pelusey Road, Picton East from “Residential” and “Light Industry (Trades)” to “Light Industrial”.
2. Deleting Clauses 5.2 and 5.4 of the Scheme which refer to the “Residential” zone and the “Light Industrial Trades” zone respectively.
3. Including within Table No. 1 of the Scheme Text the use “Industry—Rural” as a “PS” use in the “Light Industrial” zone.
4. Deleting Clause 5.3 (b) within the Scheme Text, which reads—
 “No industrial building, storage yard or industrial waste disposal area shall be within 30 metres of any dwelling house.”
5. Rewording Clause 5.6 of the Scheme so that it applies to existing residential dwellings in the Scheme Area and not the residential environment of the Scheme Area as follows—
 “The Council may exclude any use from the Scheme area which, in its opinion, by way of its disposal system, noise generated, smell, vibration, fumes, smoke vapour, steam, soot, ash, dust, waste, grit, oil or otherwise will intrude into and/or disrupt the existing residential dwellings in the Scheme Area.”
6. Adding a new Section 5.8 to the Scheme Text as follows—
 “5.8 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS
 5.8.1 In considering an application for planning approval under this clause, where in the opinion of the local government, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the variation, the local government is to—
 (a) give written notice of the variation in a form approved by the Council to the owners of all lots adjoining the subject land and any other person who, in the opinion of Council would be adversely affected for a period of not less than 14 days from the day the notice is served or published; and
 (b) have regard to any expressed views prior to making its determination to grant the variation.
 5.8.2 The power conferred by this clause may only be exercised if the local government is satisfied that the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.”
7. Renumbering Clauses 5.3 to 5.8 in accordance with the above modifications.
8. Modifying Clause 5.1 (b) of the Scheme to read—
 “Each lot to be responsible for its own water supply and effluent disposal system and potable water quality being to the standard as specified in the National Health and Medical Research Council’s document entitled ‘Guidelines for Drinking Water Quality in Australia’. At the time of subdivision a 70A notification be placed on the Certificates of Title of each lot created that advises of the following—
 (i) Each lot owner shall be responsible for the provision of its own water supply until such time as the licensed water service provider for the area installs a reticulated water supply;
 (ii) Any investment in water supply infrastructure will be at the owner’s own cost and risk;
 (iii) Each lot owner will be obliged to connect to a reticulated water and sewerage supply at their own cost once reticulated mains are provided; and
 (iv) Each lot owner shall be required to pay standard headwork contribution costs and other such standard supply costs that apply at the time.”
9. Modifying Table 2 of clause 5.3 as follows—

Minimum Lot Area	Minimum Effect frontage	Maximum Plot Ratio	Minimum No. of Parking Spaces	Minimum Setbacks			Maximum Building Height
				Front	Side	Rear	
4000m ²	30m	0.5	1 car parking bay for every 100m ² of gross floor area	10m	5m*	10m*	

* The side and rear setback requirements can be interchangeable where the rear boundary abuts public open space.

10. Including an additional subclause (e) within Clause 5.3 to read—

“In the determination of any development application in the Light Industry zone Council considers that the provision of light industrial development should not adversely impact on the amenity of the adjoining or nearby residences, applications for planning consent will be required to address the following—

- Noise levels to be within the limits set by the Environmental Protection (Noise) Regulations 1997.
- The light industrial use being screened from a residence on an adjoining lot by a wall or fence not less than 2 meters in height.
- Provide boundary landscaping to minimize the impact of the building on the adjoining residences.
- The bulk, height, appearance and openings of the proposed buildings are designed to minimize any adverse impact on nearby residences.
- Traffic movements to be managed to minimize any conflicts with nearby residences.
- Operating hours to be restricted to reasonable levels in recognition of residences in the area.”

11. Rewording Clause 5.5 (f) point three to refer to residences rather than ‘residential lots’.

12. Deleting Cause 5.5 (d) which is a duplication of Cause 5.1 (h).

M. T. BENNETT, President.
M. L. CHESTER, Chief Executive Officer.

PI403*

TOWN PLANNING AND DEVELOPMENT ACT 1928

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

City of Subiaco

Town Planning Scheme No. 4—Amendment No. 2

Ref: 853/2/12/7 Pt 2

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 Subiaco Town Planning Scheme Amendment on 17 October 2004 for the purpose of—

(1) Amending the Zoning Table by—

- i. the deletion of selected use classes;
- ii. the inclusion of additional and amended use classes, and
- iii. changes to the permissibility of existing use classes

as indicated in the following table—

TABLE 1—ZONING TABLE

USE CLASSES	Residential R15 and R20	Residential R30 and R50	Residential R80	Town Centre	Commercial/ Residential	Neighbourhood Mixed Use	Local Centre
Additions/Deletions							
Exhibition Centre	X	X	X	P	P	P	P
Home Occupation	P	P	P	P	P	P	P
Home Office	P	P	P	P	P	P	P
Home Business	AA	AA	AA	P	P	P	P
Industry—Service	X	X	X	AA	AA	AA	AA
Medical Centre	X	X	X	AA	P	P	P
Recreation—Private	AA	AA	AA	AA	AA	AA	AA
Special (licensed) Facility	X	X	X	AA	SA	SA	X
Changes in permissibility							
Communications Antennae (domestic)	P	P	P	P	P	P	P
Consulting Rooms				AA			
Offices				AA		AA	

USE CLASSES	Residential R15 and R20	Residential R30 and R50	Residential R80	Town Centre	Commercial/ Residential	Neighbourhood Mixed Use	Local Centre
Dwelling: Grouped					AA		
Dwelling: Multiple					AA		AA
Dwelling: Single Bedroom					AA		AA
Veterinary Clinic/Hospital				AA			

(2) Amending the following—

Clause 14(6)

Delete footnote P(1) relating to the dual permissibility of Medical Centre, Consulting Rooms, Offices and Veterinary Clinic/Hospital, so as to allow for discretionary control of these uses in the Town Centre and Neighbourhood Mixed Use zones. (See also amendments to clauses 50 and 53 relating to the urban design objectives for these two zones.)

Delete reference P(3) relating to advertisements. (Control of advertisements is to be to be more comprehensively addressed in Division 9 of Part 5.)

Clause 16—Register of Non-conforming Uses

Delete clause in its entirety.

PART 4—DEVELOPMENT APPROVAL

Clause 22—Need for Development Approval

Number the existing paragraph, sub-clause (1) and include new sub-clauses (2) and (3) and note so as to provide for certain types of liquor licences and/or changes to liquor licences, to be subject to specific approval under the provisions of the Scheme, viz—

- (2) For the purposes of this clause, a change in the classification of a licence issued in accordance with the provisions of the Liquor Licensing Act 1988, or any extension of trading in accordance with an extended trading permit granted under that Act, shall be taken to be a change of use and, therefore, development for which approval is required under sub-clause (1).
- (3) Subclause (2) shall not apply to the sale of liquor in accordance with—
 - (a) a Producer's Licence granted under Section 55 of the Liquor Licensing Act 1988;
 - (b) a Wholesaler's Licence granted under Section 58 of the Liquor Licensing Act 1988; or
 - (c) an Occasional Licence granted under Section 59 of the Liquor Licensing Act 1988.

Note: The provisions of clause 27A shall apply to the determination of applications involving liquor licensing and/or extended trading permits.

Clause 23—Exemption from Development Approval

Amend the wording and punctuation of the introductory phrase of sub-clause (1) (b) to make it clear that the exemption relates only to single house and ancillary development, viz—

- (b) additions or extensions to a single house which do not enlarge it by more than one half of its gross floor area, except where—

Amend the wording of sub-clause (1)(b)(i) to include variations to both the R-Codes and the Scheme, viz—

- (i) the proposal requires the exercise of discretion by the Council to vary the provisions of the Residential Design Codes or the Scheme; or

Amend the wording of sub-clause (1)(b)(iv) to include reference to the clause in which places of cultural heritage significance are recorded, viz—

- (iv) the single house is listed in the Register of Places of Cultural Heritage Significance referred to in clause 58;

Add a new sub-paragraph (b)(v) to sub-clause (1) to exclude (from the exemption) development relating to a single house where located in a conservation area declared in accordance with clause 59, viz—

- (v) the single house is located in a conservation area declared under clause 59.

Add new sub-paragraphs (e) to (k) to sub-clause (1) to include the following development in the list of exemptions, viz—

- (e) a home office;
- (f) communications antennae (domestic)—where in accordance with Planning Policy;
- (g) any works which are temporary and in existence for less than 48 hours or such longer time as the Council agrees;
- (h) exempted advertisements (as listed in the relevant policy/local laws);

- (i) outbuildings appurtenant to a dwelling, fences, rainwater tanks, and swimming pools and spas appurtenant to a dwelling, except where the proposal requires the exercise of a discretion by the Council to vary the provisions of the Residential Design Codes or the Scheme;
- (j) development for non-residential purpose involving building works that do not materially affect the external appearance of the building and do not increase the plot ratio of the building;
- (k) development or works by or on behalf of the City or any public authority on a City of Subiaco Scheme reserve, where such development or works are consistent with the purpose of the reserve or incidental to such purpose.

Clause 26—Advertising of Applications for Development Approval

Amend sub-clause (5)(a) to read as follows—

- (a) notice of the proposed development to be given to the owners and occupiers who in the opinion of the Council are likely to be affected by the granting of development approval, in accordance with Council policy, stating that submissions may be made to the Council within twenty-one days of the date of such notice;

Clause 27—Determination of Applications: General Provisions

In sub-clause (1), amend the reference to the pre-requisites for consideration of applications to those relating to the form of the application and information to be included, viz—

- (1) The Council may refuse to consider an application that does not comply with the requirements of clause 25.

Amend sub-clause (4) by adding a new sub-paragraph to provide recognition of cultural heritage as a matter to which regard is to be given in the exercise of Council's discretion, viz—

- (i) the conservation of places and areas of cultural heritage significance as referred to in clauses 58 and clause 59.

Clause 27A—Determination of Applications involving Liquor Licences

Insert a new clause after clause 27, to provide for the determination and control of licensed premises, viz—

27A Determination of Applications involving Liquor Licences

- (1) Prior to its determination of any application for development approval which involves the issue of a licence or ongoing extended trading permit under the Liquor Licensing Act 1988, the Council may require such additional information as it considers relevant to the determination of the application, including—
 - (a) the proposed hours of operation of the proposed facility;
 - (b) the proposed use and/or occupancy of each and every component of the development, including any alfresco areas proposed to be used in conjunction with the development; and
 - (c) the measures by which the behaviour of patrons is proposed to be managed, and in particular measures to address any unruly behaviour which may take place in association with the operation of the premises.
- (2) In addition to those matters to which the Council must have regard under clause 27, the following additional matters may be considered in the determination of any application for development approval which involves the issue of a licence under the Liquor Licensing Act 1988—
 - (a) the location of the proposed facility, and its potential impact on the amenity and character of the locality;
 - (b) the effect of aggregating development characterised by after-hours operation and relatively low levels of activity during normal shopping hours;
 - (c) the effect of the proposed development on the mix of activities in the locality, and the desirability of maintaining a mix of land uses characteristic of the locality;
 - (d) the duration of trading hours with reference to the amenity of the locality, the availability of public transport services and the generation of vehicular traffic; and
 - (e) any planning policy relevant to the matters specified in paragraphs (a), (b), (c) and (d).
- (3) In addition to any other discretion available under the scheme, including the discretion to refuse its consent, in its determination of any application for development approval which involves the issue of a licence under the Liquor Licensing Act 1988, the Council may impose conditions relating to any or all of the following—
 - (a) hours of operation of the premises, including time restrictions on any or all activities for which areas are to be used;
 - (b) maximum number of people permitted to occupy the premises, or particular parts of the premises;

- (c) location and extent of areas to be used for particular activities, including areas in which liquor may be consumed; and
- (d) management agreements to address any unruly behaviour which may take place in association with the operation of the premises.

Clause 30—Determination of an Application for Demolition

Amend sub-clause (1)(a) by deleting the requirements for a building licence and the satisfaction of the Council that subsequent development will commence, including point (i) in the body of the sub-clause, and including a note to advise of the conditions to which development approval may be subject, viz—

- (a) may defer consideration of the application until it has granted development approval for subsequent development of the relevant site.

NOTE: In approving any application for or involving demolition, the Council may impose such conditions as it considers appropriate, to ensure the site does not detract from the amenity of the area in which it is situated. [Refer clause 27(3) and clause 30(1)(b)]

Clause 34—Deemed Refusal

Amend the requirement in sub-clause 1(b) by deleting the words ‘within that period of 60 days’, viz—

- (b) such further time as may be agreed in writing between the applicant and the Council; or

Amend the requirement in sub-clause 2(d)(ii) by deleting the words ‘within that period of 90 days’, viz—

- (ii) such further time as may be agreed in writing between the applicant and the Council; or

PART 5—DEVELOPMENT REQUIREMENTS

Clause 41 Aims and Objectives (Residential Zone)

Include a new objective in subclause (2) to recognise the significance of streetscapes, viz—

- (g) to ensure compatibility of the development with the established streetscape, taking into consideration setbacks, roof pitches, materials, design and landscaping.

Clause 42—Special Application of Residential Planning (Design) Codes

Amend sub-clause (1) to delete reference to ‘storey’ and ‘storeys’ as an alternative measure of height, include standards for ‘overall height’ and ‘wall height’ and amend the height dispensation provisions to include the word ‘undue’ in relation to adverse impacts, viz—

- (a) Notwithstanding any provisions of the Residential Design Codes to the contrary, buildings on land within the Residential Zone having an R Code density of R15 or R20 shall not exceed 6.5 metres overall height and 3.6 metres wall height;
- (b) The Council may permit a variation to subclause (a) and permit buildings of up to 9 metres overall height and 6 metres wall height, where the Council is satisfied that there is to be no undue adverse impact on adjoining residential sites or the general amenity of the locality.

Amend sub-clause (2) to include reference to R30 coded areas, include reference to matters to which regard shall be had in the design and assessment of development applications, and delete reference to ‘storey’ and ‘storeys’ as an alternative measure of height, include standards for ‘overall height’ and ‘wall height’, viz—

(2) Residential Zone: R Code Density R30 to R50

Notwithstanding any provisions of the Residential Design Codes to the contrary, buildings on land within the Residential Zone having an R Code density of R30 to R50 shall not exceed 9 metres overall height and 6 metres wall height.

Amend sub-clause (3) to delete reference to ‘storey’ and ‘storeys’ as an alternative measure of height and include standards for ‘overall height’ and ‘wall height’, viz—

- (3) Notwithstanding any provisions of the Residential Design Codes to the contrary, buildings on land within the Residential Zone having an R Code density of R80 shall not exceed 9 metres overall height and 6 metres wall height

Amend sub-clause (4) to delete reference to ‘storey’ and ‘storeys’ as an alternative measure of height, include standards for ‘overall height’ and ‘wall height’ and amend the height dispensation provisions to include the word ‘undue’ in relation to adverse impacts, viz—

- (a) Notwithstanding any provisions of the Residential Design Codes to the contrary, buildings on land within the Residential Zone having an R Code density of R80 shall not exceed 9 metres overall height and 6 metres wall height;
- (b) The Council may permit a variation to subclause (a) and permit buildings of up to 12 metres overall height and 9 metres wall height, where the Council is satisfied that there is to be no undue adverse impact on adjoining residential sites or the general amenity of the locality.

Amend sub-clause (5)(b) to delete reference to ‘storey’ and ‘storeys’ as an alternative measure of height and include standards for ‘overall height’ and ‘wall height’, viz—

- (b) On land having an R Code density of R50 on the western side of Rupert Street between Bagot and Hamersley Roads, a building shall not exceed 9 metres overall height and 6 metres wall height

Amend sub-clause (6)(b)(i) to clarify the accommodation requirements which are a prerequisite to development at the higher R50 density coding, viz—

- (i) the development provides a mixture of accommodation choices, including single and multiple bedroom dwellings, to take account of differing household composition and housing needs in the locality;

Amend sub-clause (6)(b)(iii) so as to require only the retention of significant trees, rather than all vegetation, viz—

- (iii) the development retains established and mature trees assessed as worthy of preservation by the City, whilst blending new landscaping into the streetscape and the neighbourhood; and

Amend sub-clause (6)(b)(iv) to clarify the requirements for retention of existing housing, and include a note to explain that development to the upper density may not necessarily be achievable, viz—

- (iv) The development retains both the façade and a substantial part of the structure of the original residential building. For the purposes of this clause, the term 'original residential building', means the dwelling which was situated on the site at the gazettal of Amendment No.2. To avoid any doubt, the Council shall not grant approval for development having a density in excess of R20 where no original residential building exists when the application for approval is made.

NOTE: It is important to recognise that the R50 density is a discretionary density bonus intended as an incentive to encourage the provision of a mix of accommodation and the retention of the original housing, and it should not be assumed that the upper density code will necessarily be appropriate or achievable for any particular site. In the event that there is no original building on the land, or in circumstances in which such development is not retained, the density bonus shall not apply.

Amend sub-clause (6)(c) to delete reference to 'storey' and 'storeys' as an alternative measure of height and include standards for 'overall height' and 'wall height', viz—

- (c) Notwithstanding any provision of the Residential Design Codes to the contrary, buildings on land within the Residential zone having an R Code density of R20/50 shall not exceed 9 metres overall height and 6 metres wall height

Insert a new subclause (6)(d) to establish minimum standards for lots to qualify for development above the R20 density standard and include a note to explain the intent of the requirement, viz—

- (d) The Council shall not grant approval for development having a density in excess of R20 unless the lot has a frontage of at least 25 metres.

NOTE: The intent of this frontage requirement is to ensure development can be designed in such a way as to complement the streetscape by avoiding the proliferation of crossovers and the provision of narrow driveways hard against side boundaries. It is not the intention that lots should be amalgamated to take advantage of the higher density coding or that strata or survey-strata subdivision would take place prior to development.

Amend sub-clause (8)(b) to delete reference to 'storey' and 'storeys' as an alternative measure of height and include standards for 'overall height' and 'wall height', viz—

- (b) On land within this designated area, a building shall not exceed 9 metres overall height and 6 metres wall height

Add a new subclause 42(9) to provide for redevelopment of multi-unit dwelling sites at the same or lesser density, where the area of the lot per dwelling (multiple or grouped) does not meet the standards prescribed in the R-Codes, viz—

(9) Redevelopment of non-complying sites

- (a) Where, on the gazettal date of Amendment No.2, land is developed at a density exceeding that provided for under the relevant density coding, then provided such development has been lawfully established, the Council may permit a variation to the minimum site area requirements of the R-Codes in order to enable re-development to take place up to the same dwelling density as the existing development.
- (b) The Council may only approve a variation in accordance with the provisions of sub-clause (a) where it is satisfied that the proposed re-development would be a significant improvement on the existing development in terms of design and streetscape and would not result in any undue adverse impact on the adjoining sites or on the general amenity of the locality.
- (c) No increase in plot ratio floorspace in excess of that which had previously been lawfully established is to be permitted in relation to re-development as provided for under sub-clause (a) unless the additional floorspace is provided for under the scheme or the Residential Design Codes.

NOTE: The intention of this clause is to provide for the redevelopment of sites, where the existing development does not accord with current density standards. It is anticipated that dwelling sizes would therefore remain similar to those of the original development, although some re-configuration of spaces may occur.

Add a new subclause 42(10) to provide for variation of R-Code requirements in accordance with Clause 65A of the Scheme for the purpose of preserving significant trees, viz—

(10) Tree Preservation

Variation of the Residential Design Codes may be granted in accordance with Clause 65A of the Scheme for the purpose of preserving significant trees.

Clause 45—Development Standards (Commercial/Residential Zone)

Amend sub-clause (4) to delete reference to 'storey' and 'storeys' as an alternative measure of height, include standards for 'overall height' and 'wall height' and amend the height dispensation provisions to include the word 'undue' in relation to adverse impacts, viz—

- (a) In the Commercial/Residential Zone the height of a building shall not exceed 9 metres overall height and 6 metres wall;
- (b) The Council may permit a variation to subclause (a) and permit buildings of up to 12 metres overall height and 9 metres wall height on lots fronting Hay Street and/or Rokeby Road, where Council is satisfied that there is to be no undue adverse impact on the adjoining sites, streetscape or the amenity of the locality in general.

Clause 48—Development Standards (Local Centre Zone)

Amend sub-clause (4) to delete reference to 'storey' and 'storeys' as an alternative measure of height, include standards for 'overall height' and 'wall height' and amend the height dispensation provisions to include the word 'undue' in relation to adverse impacts, viz—

- (a) Building heights are not to exceed 6.5 metres overall height and 3.6 metres wall height;
- (b) Council may permit a variation of this requirement to permit buildings of up to 9 metres overall height and 6 metres wall height, where the Council is satisfied that there is to be no undue adverse impact on the adjoining sites, streetscape or the amenity of the locality.

Clause 50—Aims and Objectives (Neighbourhood Mixed Use Zone)

Add a new sub-paragraph (f) to include an additional objective relating to urban design and the continuity of shop-front, viz—

- (f) the development of continuous 'shop-fronts' along street frontages in accordance with Main Street design principles, and avoidance of disruption caused by blank or uninteresting building facades.

Clause 51—Development Standards (Neighbourhood Mixed Use Zone)

Amend sub-clause (4) to delete reference to 'storey' and 'storeys' as an alternative measure of height, include standards for 'overall height' and amend the height dispensation provisions to include the word 'undue' in relation to adverse impacts, viz—

- (a) Building heights are not to exceed 6.5 metres overall height and 3.6 metres wall height;
- (b) Council may permit a variation of this requirement to permit buildings of up to 9 metres overall height and 6 metres wall height, where the Council is satisfied that there is to be no undue adverse impact on the adjoining residential sites, streetscape or the amenity of the locality in general.

Clause 53—Aims and Objectives (Town Centre Zone)

Add a new sub-paragraph (f) relating to urban design and the continuity of shop-fronts, viz—

- (f) to ensure the development of continuous 'shop-front' development along street frontages in accordance with Main Street design principles, and avoid disruption caused by blank or uninteresting building facades.

Add a new sub-paragraph (g) discouraging land uses that are characterised by after-hours operation, viz—

- (g) to discourage the undue aggregation of entertainment facilities characterised by after-hours operation and by low levels of activity during normal shopping hours.

Clause 54—Development Standards (Town Centre Zone)

Amend the wording of sub-paragraph (c) of sub-clause (4) to make it clear that it is the additional upper portion of the building which is required to be set back the additional distance (6 metres) rather than the major portion of the building, viz—

- (c) The Council may permit an overall height variation of up to 15 metres where the additional upper portion of the building is set back at least 6 metres from the street. A 9 metre facade is required to be maintained in keeping with the pedestrian scale of the street.

NOTE: In the case of building height between 12 metres and 15 metres, a pro-rata setback is to be provided, based on a height control line drawn from the 12 metre height limit at the street frontage to the 15 metre height limit at a setback of 6 metres from the street.

Clause 65A—Variations to Standards (Tree Preservation)

Include a new clause along the lines of the variation provisions for places of cultural heritage significance (clause 57) to recognise the need and/or desirability to vary development

standards so as to accommodate or compensate for the preservation of trees subject of a Tree Preservation Order (TPO), or trees regarded as of significance to the area, viz—

65A Variations to Standards

- (1) Where development is proposed on land which—
 - (a) is the subject of a tree preservation order made in accordance with clause 61; or
 - (b) contains a tree or trees considered by the Council to be worthy of preservation in terms of the matters to which the Council is to have regard in clause 61(1); and
 - (c) the preservation of the tree or trees would otherwise unduly restrict the reasonable development of the land;

the Council may grant, by way of development approval, a variation to the setback, height or open space requirements of this Scheme or the Residential Design Codes where desirable to facilitate the preservation of the trees referred to in sub-paragraphs (a) and (b).
- (2) The Council is not to grant development approval that requires a variation under subclause (1) which might, in the Council's opinion, significantly affect an adjoining property or a property in the locality unless—
 - (a) the application seeking the variation is advertised in accordance with clause 26; and
 - (b) any submissions received in response to that advertising, are duly considered by the Council.
- (3) Where the Council approves of a variation of standards in accordance with subclause (1) in respect of a tree or trees which are not the subject of a tree preservation order, action shall be taken to order the preservation of the relevant tree or trees, in accordance with the provisions of clause 61.

PART 7—MISCELLANEOUS

Clause 78—Planning Policies

Include an additional sub-clause (9) to recognise planning policies prepared and approved in accordance with the previous Town Planning Scheme, viz—

- (9) Where a planning policy has been prepared and adopted in accordance with the provisions of the former Town Planning Scheme No 3, it shall continue to have effect as a planning policy under this scheme, and may be altered or rescinded as if it were a planning policy made under this Scheme.

SCHEDULE 1—DEFINITIONS

Amend and/or add to the definitions included in Schedule 1 as follows—

Height

Replace existing definition by two separate definitions, namely Height, building and Height, wall, viz—

Height, building has the same meaning given to it in the Residential Design Codes and the term 'overall height' shall have the same meaning;

Height, wall has the same meaning given to it in the Residential Design Codes;

Home Business

Include definition in accordance with the Model Scheme Text, viz—

Home business: means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which—

- (a) does not employ more than 2 people not members of the occupier's household;
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
- (c) does not occupy an area greater than 50 square metres;
- (d) does not involve the retail sale, display or hire of goods of any nature;
- (e) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and
- (f) does not involve the use of an essential service of greater capacity than normally required in the zone;

Home Occupation

Amend to accord with the definition in the Model Scheme Text, viz—

Home occupation: means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which:

- (a) does not employ any person not a member of the occupier's household;
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
- (c) does not occupy an area greater than 20 square metres;

- (d) does not display a sign exceeding 0.2 square metres;
- (e) does not involve the retail sale, display or hire of goods of any nature;
- (f) in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and
- (g) does not involve the use of an essential service of greater capacity than normally required in the zone;

Home Office

Include definition in accordance with the Model Scheme Text, viz—

Home office: means a home occupation limited to a business carried out solely within a dwelling by a resident of the dwelling but which does not—

- (a) entail clients or customers travelling to and from the dwelling;
- (b) involve any advertising signs on the premises; or
- (c) require any external change to the appearance of the dwelling;

Industry—Service

Include definition in accordance with the Model Scheme Text, viz—

Industry—service means—

- (a) an industry—light carried out from premises which may have a retail shop front and from which goods manufactured on the premises may be sold; or
- (b) premises having a retail shop front and used as a depot for receiving goods to be serviced;

Medical Centre

Include definition in accordance with the Model Scheme Text, viz—

Medical centre: means premises, other than a hospital, used by one or more health consultant(s) for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment, and counselling);

Net floor area

Replace by Net Lettable Area in accordance with the Model Scheme Text, viz—

Net lettable area (nla): means the area of all floors within the internal finished surfaces of permanent walls but excludes the following areas—

- (a) all stairs, toilets, cleaner's cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;
- (b) lobbies between lifts facing other lifts serving the same floor;
- (c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;
- (d) areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building;

Pool hall

Delete from the definitions. (This use class is encompassed by the new use class Recreation—Private.)

Recreation facilities

Delete from the definitions. (This use class is encompassed by the new use class Recreation—Private.)

Recreation—Private

Include definition in accordance with the Model Scheme Text, viz—

Recreation—private: means premises used for indoor or outdoor leisure, recreation or sport which are not usually open to the public without charge;

Special (licensed) facility

Include new definition to provide for those establishments which are the subject of a Specific Purpose Licence under the Liquor Licensing Act, viz—

Special (licensed) facility: means a facility established for the purposes in section 46(5) of the Liquor Licensing Act 1988 or for another purpose in respect of which the relevant Liquor Licensing Authority in Western Australia grants a Specific Purpose Licence within the meaning of that Act;

Substantially commenced

Include definition in accordance with the Model Scheme Text, viz—

Substantially commenced: means that work or development the subject of planning approval has been begun by the performance of some substantial part of that work or development;

Wine House

Delete from the definitions. (This use class is defined by reference to a class of liquor licensing, which no longer exists.)

MISCELLANEOUS (EDITORIAL) CHANGES

- Clause 17: Replace the words 'Use Area' in the second last line with the word 'zone'.
- Clause 23: Change the clause reference in Note 1 from 64 to 59.
- Clause 30(1): Sub-paragraph (b)(iii) should be re-numbered (c). It is not a condition, but rather an option of the kind referred to in paragraphs (a) and (b).
- Clause 30: Change the clause reference in Note from 31 to 34.
- Clause 34: Change the clause reference in the accompanying Note from 33 to 36.
- Clause 36: Delete Note 2 which advises of the options for appeal to the Minister or the Tribunal. This is not an essential piece of information, and is likely to be misleading when the new appeal legislation is amended to remove the Minister as an alternative appeal avenue.
- Clause 42(7): In sub-paragraph (d) replace the term 'non-residential dwelling' with 'non-residential building'.
- Clause 55(2): In sub-paragraph (d) replace the words 'Heritage List' with the words 'Register of Places of Cultural Heritage Significance' so as to maintain consistency with the terminology used elsewhere in the scheme.
- Clause 63: Amend clause reference from 69 to 64.
- Schedule 2: Amend the Note accompanying the definition of Lodging House so as to accord with the definition in the Health Act, namely 6 persons rather than 4 persons.
- Schedule 2: Amend title from Definitions to Additional Uses. Refer clause.

A. V. COSTA, Mayor.
C. BURTON, Chief Executive Officer.

RACING, GAMING AND LIQUOR

RG401*

LIQUOR LICENSING ACT 1988**SUMMARY OF LIQUOR LICENSING APPLICATIONS**

The following is a summary of applications received under the *Liquor Licensing Act 1988* and required to be advertised. Any person wishing to obtain more details about any application, or about the objection process, should contact the Department of Racing, Gaming and Liquor, 1st Floor, Hyatt Centre, 87 Adelaide Terrace, Perth, Telephone: (08) 9425 1888, or consult a solicitor or relevant industry organisation.

App. No.	Applicant	Nature of Application	Last Date for Objections
APPLICATIONS FOR THE GRANT OF A LICENCE			
10479	Sime Darby Australia Ltd	Application for the grant of a Special Facility—Tourism licence in respect of premises situated in Margaret River and known as Quest Margaret River	17/11/2004
10480	Peter Dowdell and Heather Mary Dowdell	Application for the grant of a Producer's licence in respect of premises situated in Wandering and known as Heather's Vineyard	01/11/2004
10481	Stephen R Cuddihy, Marianne B Cuddihy and Michael R Cuddihy	Application for the grant of a Producer's licence in respect of premises situated in Baldivis and known as Woody Pear Wines	02/11/2004
10484	Oriole Karaoke Pty Ltd	Application for the grant of a Cabaret licence in respect of premises situated in Perth and known as Oriole Karaoke Pty Ltd	14/11/2004
10485	Sandra Bernadette Campbell	Application for the grant of a Wholesaler's licence in respect of premises situated in Quinninup and known as Campbell's Wine Merchants	29/10/2004

App. No.	Applicant	Nature of Application	Last Date for Objections
APPLICATION FOR THE REMOVAL OF A LICENCE			
206802	Passchendaele Ridge Pty Ltd	Application for the removal of a Producer's licence from premises situated in Mount Barker suburb to a new site in Denmark and known as Forest Hill Vineyard	28/10/2004

This notice is published under section 67(5) of the *Liquor Licensing Act 1988*.

Dated: 20 October 2004.

H. R. HIGHMAN, Director of Liquor Licensing.

PUBLIC NOTICES

ZZ201

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Francis Roy Bentley, late of 56 Rocky Crossing Road, Warrenup in the State of Western Australia, Fisherman, deceased.

Creditors and other persons having claims (to which section 63 of the Trustees Act relates) in respect of the estate of Francis Roy Bentley deceased who died on the 25th day of June 2004 at Albany in the State of Western Australia are required by the personal representative David Malcolm Moss of 27 Golf Links Road, Albany, Western Australia to send particulars of their claims to David Moss & Co of PO Box 5744, Albany WA 6332 by the 21st day of November 2004 after which date the personal representative may convey or distribute the assets having regard only to the claim for which he has then had notice.

ZZ202

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

In the estate of Clifford William Houghton late of 63 Esplanade, South Perth, Western Australia, Company Director, deceased.

Creditors and other persons having claims (to which section 63 of the Trustees Act relates) in respect of the estate of the abovenamed deceased who died on the 21st day of August, 1998 are required by the personal representatives Barnard MacKenzie Richards and Rhonda May Pickering both care of Franklyn Simon Wheatley, Solicitors, PO Box 1363, West Perth WA 6872 to send particulars of their claims to them by the 1st day of December 2004 after which date the personal representatives may convey or distribute the assets having regard only to the claims of which they then have notice.

ZZ203

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Creditors and other persons having claims (to which section 63 of the Trustees Act relates) in respect of the Estates of the undermentioned deceased persons are required to send particulars of their claims to me on or before the 22nd November 2004, after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Campbell, Michael George, late of 30 Lynton Road Attadale, died 5/8/04, (DE33012771EMI7)

Catchpole, Ruby Gwendoline, late of 35 Redcliffe Avenue Balga, died 24/9/04, (DE19734486EM15)

Davey, Frances Eliza Ruby, late of Greenmount Gardens Nursing Home 22 Coongan Avenue Greenmount, died 9/8/04, (DE20010883EM26)

- Eggert, Gladys Grace, late of Unit 6/50 Ewen Street Scarborough, died 23/8/04, (DE19791634EM27)
- Forrest, Violet Mary, late of Grandview Aged Care 21 Aldwych Way Joondalup, died 2/9/04, (DE19774735EM26)
- Furzer, Edna May, late of 220 Preston Point Road Bicton formerly of Brightwater Care Group South Lakes, died 5/9/04, (DE19894198EM17)
- Greaves, Jessie, late of 392 Weston 118 Monash Avenue Nedlands, died 10/9/04, (DE19772677EM22)
- Huber, Ludwina, late of Midland Nursing Home 44 John Street Midland formerly of 125 Kenny Street Bassendean, died 28/9/04, (DE19762914EM34)
- Kerle, Freda Mary Coleman, late of Hillcrest Senior Citizens Residence 23 Harvest Road North Fremantle, died 11/9/04, (DE19915132EM17)
- Laidlaw, Edna Entwhistle, late of Rowethorpe Nursing Centre Hill View Terrace Bentley formerly of James Brown House 171 Albert Street Osborne Park, died 30/6/04, (DE19931613EM36)
- Laing, Joan Rea, late of Midland Nursing Home 44 John Street Midland, died 13/9/04, (DE19941038EM36)
- Martin, Georgina Dorothy, late of 180 Onslow Road Shenton Park, died 6/10/04, (DE19841541EM35)
- Milbourne, Thelma Mabel, late of 6A Kalangedy Drive Riverton, died 22/9/04, (DE19950932EM23)
- Miocevich, Ned also known as Nedjeljko Miocevich, late of 30-34 Swan Street Guildford, died 23/3/04, (DE33019102EM16)
- Mogridge, Jason Colin, late of 23 Roydon Way Girrawheen, died 3/10/99, (DE30322964EM313)
- Murphy, John Milton, late of 176 Abbett Street Scarborough, died 4/1/02, (DE19902382EM15)
- Pusku, Dickie, late of Numbala Nunga Nursing Home Sutherland Street Derby, died 1/7/03, (DE33034198EM37)
- Raffills, Thelma Evelyn, late of 228 Elder Street Greensborough Victoria, died 21/3/04, (DE30227945EM16)
- Rogers, Laurel Maud, late of Ellison House 240-242 Orrong Road Carlisle, died 20/9/04, (DE19810064EM26)
- Smith, Sheila Isobel, late of Joondalup Lifestyle Village 506/1140 Wanneroo Road Ashby, died 13/8/04, (DE33025209EM15)

ANTONINA ROSE McLAREN, Public Trustee,
Public Trust Office, 565 Hay Street, Perth WA 6000.
Telephone 9222 6777.

WESTERN AUSTRALIA

FREEDOM OF INFORMATION ACT 1992

***Price: \$14.20 counter sales
Plus postage on 188 grams**

* Prices subject to change on addition of amendments.

WESTERN AUSTRALIA

YOUNG OFFENDERS ACT 1994

***Price: \$28.30 counter sales
Plus postage on 480 grams**

YOUNG OFFENDERS REGULATIONS 1995

***Price \$5.15 counter sales
Plus postage on 70 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 2005

All subscriptions are for the period from 1 January to 31 December 2005. Subject to certain limitations, refunds may be allowed if a subscription is cancelled during the year. The prices quoted include GST where applicable and postage by surface mail unless stated otherwise.

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	826.10
Interstate	842.60
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Bound Volumes of full year	1,098.90

<i>Gazettes on CD ROM from 1998</i> (per year).....	753.50
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Overseas (airmail)	545.00

<i>Gazettes on CD ROM from 1998</i> (per year).....	325.60
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Bound Statutes

Bound volumes are posted during March of the following year.

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Within WA.....	280.50
Interstate	311.30
Overseas	288.00
Half Calf Bound Statutes	771.10

<i>Bound Volumes on CD ROM from 1998</i> (per year).....	279.40
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Loose Statutes

Statutes are posted weekly as they become available.

	\$
Within WA.....	301.40
Interstate	311.30
Overseas (airmail).....	405.00

Sessional Bills

Bills are posted weekly as they become available.

	\$
Within WA	413.60
Interstate	433.40
Overseas (airmail)	587.00

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.

