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SPECIAL PUBLICATIONS NOTICE

Government Gazettes—Easter/ANZAC Day 2006

Advertisers are advised to note the following changes to publication dates for *Government Gazettes* over the Easter/ANZAC day periods 2006.

EASTER/ANZAC DAY ISSUES:

THURSDAY 13 APRIL (Copy closes Tuesday 11 April at 12.00 noon)

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and TUESDAY 25 APRIL.

Any enquiries should be directed to Peter Telford, Phone (08) 9426 0010

— PART 1 —

LOCAL GOVERNMENT

LG301*

BUSH FIRES ACT 1954
LOCAL GOVERNMENT ACT 1995

Shire of Plantagenet

BUSH FIRE BRIGADES LOCAL LAW AMENDMENT 2006

Under the power conferred by the *Bush Fires Act 1954* and under all other powers, the Council of the Shire of Plantagenet resolved on 14 February 2006 to make the Shire of Plantagenet Bush Fire Brigades Amendment Local Law 2006.

In this local law, the Shire of Plantagenet Bush Fire Brigades Local Law 2004 as published in the *Government Gazette* on 7 April 2004 is referred to as the principal local law. The principal local law is amended as follows.

1.2 Definitions

At the definition of “Rules” substitute “adopted by the local government from time to time” with “set out in the First Schedule, as varied from time to time under clause 2.5”.

Entire Document

Substitute the words “fire fighting member” with “active fighting member” throughout the entire document.

Substitute the words “associate members” with “auxiliary members” throughout the entire document.

Substitute the words “Fire Weather Officer” with “Fire Weather Reporting Officer” throughout the entire document.

Substitute the words “28 February” with “31 December” throughout the entire document.

Subclause (1) of Clause 2.3

Delete the words “unless a bushfire control officer is in attendance at the fire,”.

Insert the word “all” after the words “the Captain has full control over” and before the words “other persons fighting the fire”.

Insert the words “and tactics” after the words “instructions as to the methods” and before the words “to be adopted by the fire fighters”.

Add the words “, including any safety considerations” after the words “to be adopted by the fire fighters”.

Subclause (2) of Clause 2.3

Insert the word “all” after the words “bushfire control officer has full control over” and before the words “other persons fighting the fire”.

Insert the words “and tactics” after the words “issue instructions as to the methods” and before the words “to be adopted by the fire fighters”.

Add the words “, including any safety considerations” after the words “to be adopted by the fire fighters”.

Subclause (1) of Clause 2.4

Delete the words “developed and approved by the local government”.

Subclause (d) of Clause 3.6

Add the words “and that these details and any changes are notified to the Authority in terms of Section 41(2a) of the Act” after the words “brigade members are maintained” at the end of subclause 3.6(d).

Clause 3.15

Delete the words “The Bush Fire Advisory Committee is to make recommendation to the local government on the five-year plant and equipment replacement strategy prior to 28 February annually.” and add “The Bush Fire Advisory Committee is to make recommendations to the local government on the local government’s capital, plant and equipment program prior to 31 December annually so that the requirements can be included in the ESL Capital Budget submission which is to be

forwarded to the Authority prior to 31 January each year. The local government capital, plant and equipment replacement program is to be developed over a five (5) year time frame.”

Clause 5.1

Delete the words “as determined by the local government”.

Clause 6.3

Insert the word “annually” after the words “31 December”.

Insert the words “and for inclusion in the local government’s ESL Capital and Operating Budget Submission to the Authority” after the words “following local government budget” at the end of Clause 6.3.

First Schedule

After Clause 6.4 insert the following *First Schedule*.

“FIRST SCHEDULE

Shire of Plantagenet

RULES GOVERNING THE OPERATION OF BUSH FIRE BRIGADES

PART 1—PRELIMINARY

1.1 Interpretation

(1) In these Rules, unless the context otherwise requires, where a term is used in these Rules and is defined in the local law, the Act or the Regulations, then the term is to be taken to have the meaning assigned to it in the local law, the Act or the Regulations, as the case may be.

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

“**Committee**” means the Committee of the bush fire brigade;

“**local law**” means the Shire of Plantagenet Bush Fire Brigades Local Law;

“**normal brigade activities**” is defined by section 35A of the Act; and

“**station**” means a place to store the plant and equipment of the bush fire brigade.

(3) Subject to these Rules, where a decision is to be made by the bush fire brigade, then the decision may be made by a resolution passed by a simple majority of the brigade members who are present in person or by proxy at the meeting.

(4) Subject to these Rules, where a decision is to be made by the Committee, then the decision may be made by a resolution passed by a simple majority of the brigade officers who are present in person or by proxy at the meeting.

PART 2—OBJECTS AND MEMBERSHIP OF BUSH FIRE BRIGADE

2.1 Objects of bush fire brigade

The objects of the bush fire brigade are to carry out—

- (a) the normal brigade activities; and
- (b) the functions of the bush fire brigade which are specified in the Act, the Regulations and the local law.

2.2 Committee to determine applications

Applications for membership are to be determined by the Committee and are to be consistent with equal opportunity principles and in accordance with the local government employment policies current at the time of determination.

2.3 Conditions of membership

In relation to any type of membership, as described in Part 4 of the local law, the bush fire brigade may establish policies pertaining to—

- (a) the qualifications required;
- (b) a requirement to serve a probationary period;
- (c) procedures to be employed by the Committee prior to approval of an application for membership,

and the Committee is to act within the parameters of any such policy in determining applications for membership.

2.4 Applications for membership

An application for membership is to be in writing and is to be submitted to the Secretary and in the case of—

- (a) an application for active fire fighting membership is to be accompanied by a completed form in the form of that in Appendix I.
- (b) an application for auxiliary membership is to be accompanied by a completed form in the form of that in Appendix II.
- (c) an application for cadet membership is to be accompanied by a completed form in the form of that in Appendix III.

2.5 Decision on application for membership

(1) The Committee may—

- (a) approve an application for membership unconditionally or subject to any conditions; or
- (b) refuse to approve an application for membership.

(2) If the Committee refuses to approve an application for membership, it is to give written reasons for the refusal, as soon as practicable after the decision is made, to the applicant and the advice that the applicant has the right to object to the local government.

2.6 FESA to be notified of registrations

If any application for membership is approved, the Secretary of the bush fire brigade is to supply registration details to the Authority within fourteen (14) days of a person being admitted to membership in the form required by the Authority from time to time.

2.7 Termination of membership

Membership of the bush fire brigade terminates if the member—

- (a) dies;
- (b) gives written notice of resignation to the Secretary;
- (c) is, in the opinion of the Committee, permanently incapacitated by mental or physical ill-health; or
- (d) is dismissed by the Committee.

2.8 Suspension of membership

(1) Membership of the bush fire brigade may be suspended at any time if, in the opinion of the Committee, circumstances warrant suspending the member.

(2) The period of suspension shall be at the discretion of the Committee.

(3) Upon the expiry of the period of suspension the Committee may—

- (a) terminate the membership; or
- (b) reinstate the membership.

2.9 Existing liabilities to continue

The resignation, or dismissal of a member under clause 2.7 does not affect any liability of the brigade member arising prior to the date of resignation or dismissal.

2.10 Member has right of defence

A brigade member is not to be dismissed under clause 2.8(1) without being given the opportunity to meet with the Committee and answer any charges which might give grounds for dismissal.

2.11 Objection Rights

(1) A person whose—

- (a) application for membership is refused under clause 2.5(1)(b);
- (b) membership is terminated under clause 2.8(3)(a); clause 2.5(1)(b) ; or clause 2.7(1)(c); or
- (c) membership is suspended under clause 2.7(1)(d),

has the right of objection to the local government.

(2) The local government may dispose of the objection referred to in clause 2.11 by—

- (a) dismissing the objection;
- (b) varying the decision objected to; or
- (c) revoking the decision objected to, with or without—
 - (i) substituting for it another decision; or
 - (ii) referring the matter, with or without directions, for another decision by the Committee.

PART 3—FUNCTIONS OF BRIGADE OFFICERS**3.1 Chain of command during fire fighting activities**

Subject to the Act and the local law, the command procedures to apply during fire fighting activities are as detailed in the local government's Bush Fire Operating Procedures.

3.2 Duties Of Captain

(1) Subject to subclause (2) below, the Captain is to preside at all meetings, unless the Captain chooses not to.

(2) In the circumstances where the Captain chooses not to be the Presiding Officer or in the absence of the Captain, the meeting may elect another person to preside at the meeting.

(3) Unless delegated to another Fire Control Officer, to ensure that the incident report form, in the form required by the Authority is completed and forwarded to the Chief Bush Fire Control Officer and the local government within 14 days after attendance by the bush fire brigade at an incident.

(4) Unless delegated to another Fire Control Officer, where a bush fire brigade attends an incident on more than one day, the incident report form is to be completed and forwarded under clause 3.2. (3) within fourteen (14) days after the last day of attendance.

3.3 Secretary

The Secretary is to—

- (a) be in attendance at all meetings and keep a correct minute and account of the proceedings of the bush fire brigade in a book which shall be open for inspection by brigade members at any reasonable time;
- (b) answer all correspondence or direct it appropriately, and keep a record of the same;
- (c) prepare and send out all necessary notices of meetings;
- (d) maintain a register of all current brigade members, which includes each brigade member's contact details and type of membership.
- (e) provide no later than 31 May in each year, a report to the Chief Bush Fire Control Officer detailing the name, contact details and type of membership of each brigade member.

3.4 Equipment Officer

The Equipment Officer is responsible for the custody and maintenance in good order and condition of all protective clothing, equipment and appliances provided by the local government to the bush fire brigade or of the bush fire brigade.

3.5 Storage of equipment

(1) The Equipment Officer may store all of the equipment of the bush fire brigade at a place approved by the Captain the station.

(2) If there is to be more than one station in the brigade area, the Equipment Officer is to appoint in respect of each station a person who is responsible for the custody and maintenance in good order and condition of all equipment and appliances at the station, subject to any direction of the Equipment Officer.

3.6 Equipment Officer to report

The Equipment Officer is to provide, no later than 31 December of each year, a report to the local government and bush fire brigade captain describing the nature, quantity and quality of all protective clothing, equipment and appliances of the bush fire brigade which are generally available within the bush fire brigade area or at a station of the bush fire brigade.

PART 4—COMMITTEE

4.1 Management of bush fire brigade

(1) Subject to the provisions of these Rules, the administration and management of the affairs of the bush fire brigade are vested in the Committee.

(2) Without limiting the generality of subclause (1), the Committee is to have the following functions—

- (a) to recommend to the local government amendments to these Rules;
- (b) to draft the annual financial requirements for the bush fire brigade for the local government's consideration and present it at the annual general meeting of the bush fire brigade;
- (c) to propose a motion for consideration at any meeting of the bush fire brigade;
- (d) to recommend to the local government equipment which needs to be supplied by the local government to the bush fire brigade by 31 December each year;
- (e) to delegate to a person, as from time to time thought fit, any functions being less than the total functions of the Committee on any conditions it thinks fit;
- (f) to do all things necessary or convenient in order to perform any of its functions and to secure the performance of the normal brigade activities by the bush fire brigade; and
- (g) deal with membership applications, grievances, disputes and disciplinary matters.

4.2 Constitution of Committee

(1) The Committee of the bush fire brigade is to consist of the brigade officers being the Captain, Secretary, Equipment Officer, Fire Weather Officer, Fire Chief Officer and the Lieutenants of the bush fire brigade.

- (2) The brigade officers are to—
 - (a) be elected at the annual general meeting of the bush fire brigade;
 - (b) hold office from 1 July to 30 June annually; and
 - (c) be eligible for re-election at the next annual general meeting.
- (3) Any brigade officer may be removed from office by a majority decision of the brigade members present in person at a special meeting called for such a purpose.
- (4) The Committee may appoint a brigade member to fill a vacancy in any office arising from a resolution under subclause (3) or which has arisen for any other reason.

PART 5—MEETINGS OF BUSH FIRE BRIGADE

5.1 Ordinary meetings

- (1) Ordinary meetings may be called at any time by the Secretary by giving at least seven (7) days notice to all brigade members and to the Chief Fire Control Officer, for the purpose of—
 - (a) organising and checking equipment;
 - (b) requisitioning new or replacement equipment;
 - (c) organising field excursions, training sessions, hazard reduction programs, and the preparation of fire-breaks;
 - (d) establishing new procedures in respect of any of the normal brigade activities; and
 - (e) dealing with any general business.
- (2) In a notice given under subclause (1), the Secretary is to specify the business which is to be conducted at the meeting.
- (3) Business may be conducted at an ordinary meeting of the bush fire brigade notwithstanding that it was not specified in a notice given under subclause (1) in relation to that meeting.

5.2 Special meetings

- (1) The Secretary is to call a special meeting when 5 or more brigade members request one in writing.
- (2) At least two (2) days notice of a special meeting is to be given by the Secretary, to all brigade members and to the Chief Bush Fire Control Officer.
- (3) In a notice given under subclause (2) the Secretary is to specify the business which is to be conducted at the meeting.
- (4) No business is to be conducted at a special meeting beyond that specified in a notice given under subclause (2) in relation to that meeting.

5.3 Annual general meeting

- (1) At least seven (7) days notice of the annual general meeting is to be given by the Secretary to all brigade members and to the Chief Bush Fire Control Officer.
- (2) At the annual general meeting the bush fire brigade is to—
 - (a) make recommendation to the Bush Fire Advisory Committee on the appointment of bush fire control officers from their brigade for the following financial year;
 - (b) elect the brigade officers from among the brigade members;
 - (c) consider the Captain's report on the year's activities;
 - (d) deal with any general business.
- (3) In a notice given under subclause (1), the Secretary is to specify the business which is to be conducted at the meeting.
- (4) Business may be conducted at an annual general meeting notwithstanding that it was not specified in a notice given under subclause (1) in relation to that meeting.

5.4 Quorum

- (1) The quorum for a meeting of the bush fire brigade is 50% of the number of elected officers of the bush fire brigade at that time whether the positions are vacant or not as defined in Clause 6.2.
- (2) No business is to be transacted at a meeting of the bush fire brigade unless a quorum of brigade members is present in person.

5.5 Voting

Each brigade member is to have one vote, however in the event of an equality of votes, the person presiding may exercise a casting vote.

PART 6—MEETINGS OF COMMITTEE

6.1 Meetings of Committee

- (1) The Committee is to meet for the despatch of business, adjourn and otherwise regulate its meeting as it thinks fit.

(2) The Captain or Secretary may convene a meeting of the Committee at any time.

6.2 Quorum

No business is to be transacted at a meeting of the Committee unless a quorum of 50% of committee members is present in person.

6.3 Voting

Each committee member is to have one vote, however in the case of an equality of votes, the person presiding may exercise a casting vote.

PART 7—GENERAL ADMINISTRATION MATTERS

7.1 Disclosure of interests

(1) A brigade member shall disclose to the bush fire brigade or Committee any financial interest (whether direct or indirect) he or she may have in any matter being considered by the bush fire brigade or Committee, as appropriate.

(2) If a financial interest has been disclosed under subclause (1), then the bush fire brigade or Committee, as appropriate, is to decide, in the absence of the brigade member who disclosed that interest, whether or not the brigade member is to be permitted to vote on that matter.

(3) Where the bush fire brigade or Committee, as appropriate, decides under subclause (2), that a brigade member is not to be permitted to vote on a matter, and the brigade member votes on the matter, then her or his vote is to be taken to have no effect and is not to be counted.

7.2 Disagreements

(1) Any disagreement between brigade members may be referred to either the Captain or to the Committee.

(2) Where a disagreement in subclause (1) is considered by the Captain or the Committee to be of importance to the interests of the bush fire brigade, then the Captain or the Committee, as the case may be, is to refer the disagreement to the annual general meeting, an ordinary meeting or a special meeting of the bush fire brigade.

(3) The local government is the final authority on matters affecting the bush fire brigade, and may resolve any disagreement which is not resolved under subclause (1) or (2).

PART 8—NOTICES

8.1 Notices

(1) Notices of meetings of the bush fire brigade are to be in writing and sent by ordinary post to the registered address of each brigade member.

(2) Notices of meetings of the Committee may be given in writing in accordance with subclause (1) or by such other means as the Committee may decide.

(3) Any accidental omission to give notice of a meeting to, or non-receipt by a person entitled to receive such notice, is not to invalidate the meeting the subject of the notice or any resolutions passed at the meeting.

(4) Where any notice other than a notice of meeting is to be given under these Rules, the notice is to be—

- (a) in writing;
- (b) unless otherwise specified, given to or by the Secretary;
- (c) given by—
 - (i) personal delivery;
 - (ii) post; or
 - (iii) facsimile transmission;
- (d) taken to have been received, as the case may be—
 - (i) at the time of personal delivery;
 - (ii) two (2) business days after posting; or
 - (iii) on the printing of the sender's transmission report.

APPENDIX I

APPLICATION FOR MEMBERSHIP—ACTIVE FIRE FIGHTING MEMBER

I make application to be a fire fighting member of the Bush Fire Brigade.

Applicant's Name:

My private address is:

.....

My business address is:

.....

Usual Occupation:

I can be contacted on:

Telephone No: (Home) (Work) (Mobile)

Fax No: (Home) (Work)

Email: (Home) (Work)

CB Radio: Channel: Call Sign:

If needed, I can provide my own transport to the scene of any outbreak. (This line to be struck out if not applicable)

I hold a current driver's licence No: Classes:

I declare that I am at least 16 years of age and in good health with no known medical conditions which might limit my capacity to fight fires.

I give these undertakings—

- (1) to promote the objects of the bush fire brigade as far as is in my power;
- (2) to be governed by the provisions of the *Bush Fires Act 1954* and the Regulations made under that Act, and the local law and policies of the Shire of Plantagenet relevant to fire control and bush fire brigades;
- (3) to use my best endeavours to give assistance in fire fighting measures when called upon and on such occasions to obey all orders and instructions issued by duly authorised officers of the bush fire brigade or the local government;
- (4) to comply with the Rules of the bush fire brigade.

Date: Applicant's signature:

Please list here any fire fighting equipment owned by you.

1.
2.
3.

BUSH FIRE brigade use only:

APPROVED / DECLINED

Signed:
Brigade Captain

APPENDIX II

APPLICATION FOR MEMBERSHIP—AUXILIARY MEMBER

I make application to be an associate member of the Bush Fire Brigade.

- (a) I am prepared to offer to transport fire fighting members and/or equipment to the scene of any outbreak when called upon. I have a motor vehicle of the following type available for such purpose.

Current Driver's Licence No: Classes:

- (b) I am prepared to offer my services in the following capacity:

.....
.....

(paragraph (a) or (b) above may be struck out if not applicable)

Applicant's Name:

My private address is:

My business address is:

I can be contacted on:

Telephone No: (Home) (Work) (Mobile)

Fax No: (Home) (Work)

Email: (Home) (Work)

CB Radio: Channel: Call Sign:

I give these undertakings—

- (1) to promote the objects of the bush fire brigade as far as is in my power;
- (2) to be governed by the provisions of the *Bush Fires Act 1954* and any Regulations made under the Act and the local law and policies of the Shire of Plantagenet relevant to fire control and bush fire brigades;

- (3) to use my best endeavours to assist in normal bush fire brigade activities as an associate member when called upon;

- (4) to comply with the Rules of the bush fire brigade.

Date: Applicant's signature:

BUSH FIRE brigade use only:

APPROVED / DECLINED

Signed:

Brigade Captain

APPENDIX III

APPLICATION FOR MEMBERSHIP—CADET MEMBER

I make application to be a cadet member of the Bush Fire Brigade.

Applicant's Name:

My private address is:

I can be contacted on:

Telephone No: (Home) (Work) (Mobile)

Email: (Home) (Work)

Fax No: (Home) (Work)

CB Radio: Channel: Call Sign:

I declare that I am years of age and in good health.

Date of Birth:

I give these undertakings—

- (1) to promote the objects of the bush fire brigade as far as is in my power;
- (2) to be governed by the provisions of the *Bush Fires Act 1954* and the Regulations made under that Act, and the local law and policies of the Shire of Plantagenet relevant to the activities of cadet members;
- (3) to obey all orders and instructions issued by duly authorised officers of the bush fire brigade or the local government;
- (4) to comply with the Rules of the bush fire brigade.

Date: Applicant's signature:

PARENT / GUARDIAN CONSENT:

I being the parent/guardian of the above applicant, consent to him/her being a cadet member of the Bush Fire Brigade, in accordance with the rules applicable to cadet membership.

Signed:

BUSH FIRE brigade use only:

APPROVED / DECLINED

Signed:

Brigade Captain"

Dated this 14th day of February 2006.

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

KEVIN FORBES, Shire President.
ROB STEWART, Chief Executive Officer.

LG302*

LOCAL GOVERNMENT ACT 1995

Shire of Northam

KEEPING AND CONTROL OF CATS AMENDMENT LOCAL LAW 2004

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Northam resolved on the 13 May 2004

to make the following amendment to the principal *Shire of Northam Keeping and Control of Cats Local Law 2002* as published in the *Government Gazette* on 10 September 2002, as follows—

Clause 6.2-Immunity of persons acting in good faith

The words “*the Local Government, or*” be deleted.

Dated this 24th day of March 2005.

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

BERT LLEWELLYN, Shire President.

ALLAN MIDDLETON, Chief Executive Officer.

LG303*

BUSH FIRES ACT 1954

Shire of Northam

FIREBREAKS AMENDMENT LOCAL LAW 2004

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Northam resolved on the 13 May 2004 to make the following amendments to the principal *Shire of Northam Firebreaks Local Law 2002* as published in the *Government Gazette* on 10 September 2002, as follows—

1. Empowering Legislation

Delete the words “*Local Government Act 1995*” and replace with the words “*Bush Fires Act 1954*”.

2. Preamble

Delete the words “*and submit for the confirmation by the Governor*”.

3. Repeal

Delete the words “*5th September 1980*” and replace with the words “*12th December 1980*”.

4. Clause 8

Insert at the end of clause 8 after the words ‘*the building and/or haystacks.*’ the words “*Fire breaks of at least ten (10) metres in width shall be installed immediately adjacent to the perimeter of all large hay sheds.*”.

Dated this 24th day of March 2005.

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

BERT LLEWELLYN, Shire President.

ALLAN MIDDLETON, Chief Executive Officer.

TREASURY AND FINANCE

TF301*

State Trading Concerns Act 1916

**State Trading Concerns (Authorisation)
Amendment Regulations (No. 4) 2005**

Made by the Governor in Executive Council.

1. Citation

These regulations are the *State Trading Concerns (Authorisation) Amendment Regulations (No. 4) 2005*.

2. Commencement

These regulations come into operation on the day on which they are published in the *Gazette*.

3. The regulations amended

The amendments in these regulations are to the *State Trading Concerns (Authorisation) Regulations 1998**.

[* *Reprint 2 as at 6 August 2004.*

For amendments to 30 September 2005 see Western Australian Legislation Information Tables for 2004, Table 4, p. 388, and Gazette 15 July and 12 August 2005.]

4. Schedule 1 amended

Schedule 1 Part 2 is amended in the item commencing “Department of Premier and Cabinet” in paragraph (c) by deleting “in publications of the Department” and inserting instead —

“

, or opportunities to participate in arrangements
having a purpose similar to advertising

”.

By Command of the Governor,

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

— PART 2 —

AGRICULTURE

AG401*

PLANT DISEASES ACT 1914

APPOINTMENTS

Department of Agriculture,
SOUTH PERTH WA 6151.

I, the undersigned Minister for Agriculture and Food, being the Minister responsible for the administration of the *Plant Diseases Act 1914*, hereby appoint the following Officers as Authorised Inspectors pursuant to Section 7A of the said Act to carry out all the functions authorized to be performed by an Inspector under the said Act and its Regulations—

Barbara June Mason
Hayley Jane McKeown
*Logan Stace

* Previous appointments under this act are hereby revoked.

KIM CHANCE MLC, Minister for Agriculture and Food.

AG402*

WESTERN AUSTRALIAN MEAT INDUSTRY AUTHORITY ACT 1976

APPOINTMENTS

Agric. 491/89

Department of Agriculture
South Perth WA 6151.

I, Kim Chance, Minister for Agriculture and Forestry, acting in accordance with the provisions of the *Western Australian Meat Industry Authority Act 1976*, hereby appoint pursuant to Sections 8 and 9, the following as members of the Western Australian Meat Industry Authority to the positions and for the term of office to expire as follows—

Kerry McAULIFFE	Chairperson and Member	3 March 2009
Renata PALISKIS-BESSELL	Member	3 June 2006
Gary MINTON	Member	3 June 2006
Des GRIFFITHS	Member	3 June 2006
Warren ROBINSON	Member	3 June 2006
John PUGH	Member	3 June 2006
Malcolm SEYMOUR	Member and Deputy Chairperson	3 June 2006
Graeme HAYNES	Member	3 June 2006

KIM CHANCE, MLC, Minister for Agriculture and Food.

CONSUMER AND EMPLOYMENT PROTECTION

CE402

CHARITABLE COLLECTIONS ACT 1946

REVOCATION OF LICENCES

I, John Kobelke being the Minister administering the Charitable Collections Act 1946, acting in the exercise of the powers conferred by subsection (3) of section 12 of that Act, hereby give notice that I have revoked the licence of the organizations listed below—

- Chrysalis Aid International Inc
- Polish Charitable Committee Inc
- Sudanese Human Rights Abuse Organization Inc

Dated this 9th day of March 2006.

Hon MICHELLE ROBERTS MLA, Minister for Consumer Protection.

CE401***ASSOCIATIONS INCORPORATION ACT 1987**

Section 35(4)

REINSTATEMENT OF INCORPORATIONS

Coventrys Social Club	A0824471P
Waroona Senior Citizens Welfare Committee	A0680016X
Our Lady of Grace Netball Club Incorporated	A1009695M
Police Downunder Social Club (Incorporated)	A1007728L
South Fremantle Senior High School Band Association Incorporated	A1002254X
The Verge Incorporated	A1004071B
The Kalamunda and Districts Historical Society	A0790089C

Notice is hereby given that the incorporation of the above-named associations has been re-instated as from the date of this notice.

Dated the 20th day of February 2006.

PATRICK WALKER, Commissioner for Fair Trading.

EDUCATION AND TRAINING

ED401**VOCATIONAL EDUCATION AND TRAINING ACT 1996****STATE TRAINING BOARD (APPOINTMENT OF MEMBERS) INSTRUMENT 2005**

Made by the Minister for Education and Training under section 19(1)(a) of the *Vocational Education and Training Act 1996*.

Citation

1. This instrument may be cited as the *State Training Board (Appointment of Members) Instrument 2005*.

Appointments

2. The persons whose names are listed below, namely—

Glen Lewis
Colleen Hayward

are reappointed to be members of the State Training Board for the period commencing 31 December 2005 expiring 31 December 2008.

Dated this 13th day of February 2006.

Hon LJILJANNA RAVLICH MLC, Minister for Education and Training.

ENERGY

EN401***ELECTRICITY INDUSTRY ACT 2004****NOTICE UNDER SECTION 23 (1) NOTICE OF DECISIONS.**

Notice is given that the following Generation Licence has been granted—

Licensee:	Griffin Power Pty Ltd
Issue Date:	9 March 2006
Address of Licensee:	15th Floor 28 The Esplanade PERTH WA 6000
Classification:	Generating Works
Term of Licence:	Up to and including 8 March 2036
Area Covered:	Bluwaters Power Station, Coolangatta Industrial Estate, Collie WA. Lot 8 on Plan 20710 being part of the land comprised in Certificate of Title of Volume 2206 Folio 576. (Plan No. ERA-EL-069)

Inspection of Licence: Economic Regulation Authority
6th Floor
197 St Georges Terrace
Perth WA 6000
<http://www.era.wa.gov.au>

LYNDON G. ROWE, Chairman.
Economic Regulation Authority.

FISHERIES

FI401*

PEARLING ACT 1990

Section 23(8)

GRANT OF PEARL OYSTER FARM LEASE

Lowendal Island 'B'

FD 1914/00

I, Peter Millington, the Executive Director of the Department of Fisheries, Western Australia, pursuant to Section 23 of the *Pearling Act 1990* ("the *Pearling Act*") have granted an application by Fantome Pearls Pty Ltd for a pearl oyster farm lease, in respect of areas of water located at Lowendal Island 'B'.

Under section 33(1) of the *Pearling Act* a person aggrieved by my decision may apply to the State Administrative Tribunal (SAT) for a review of the decision. Application forms can be obtained from the SAT located at Level 4, 12 St Georges Terrace, Perth WA or from the SAT's website at www.sat.justice.wa.gov.au. The application together with any supporting documents should be lodged with the SAT within 28 days of publication of the Notice. When an application is accepted by the Executive Officer of the SAT, the applicant is to give a copy of the application to the Executive Director, Department of Fisheries, Level 3, 168 St Georges Terrace, Perth WA.

Dated this 7th day of March 2006.

P. J. MILLINGTON, Executive Director,
Department of Fisheries.

HEALTH

HE401*

HEALTH ACT 1911

ANAESTHETIC MORTALITY COMMITTEE

(Appointment of Members) Instrument 2006

Made by the Minister for Health under sections 340BB and 340BC of the Act.

1. Citation

This instrument may be cited as the *Anaesthetic Mortality Committee (Appointment of Members) Instrument 2006*.

2. Interpretation

In this instrument—

“table” means a table in the schedule to this instrument; and

“the Act” means the *Health Act 1911* (WA); and

“the Committee” means the Anaesthetic Mortality Committee constituted under section 340BB(1) of the Act.

3. Appointment of Permanent Members and Deputies

The persons named in column 2 of table 1 are appointed as permanent members of the Committee, pursuant to the provision of the Act specified in column 1 of table 1 adjacent to the name of the person.

Pursuant to section 340BC(1) of the Act, the person named in column 3 of table 1 is appointed as deputy to act in the place of the permanent member specified in column 2 of table 1 adjacent to the name of that person.

4. Appointment of Provisional Members and Deputies

Each of the persons named in column 2 of table 2 are appointed as provisional members of the Committee, pursuant to the provision of the Act specified in column 1 of table 2 adjacent to the name of that person.

Pursuant to section 340BC(1) of the Act, each of the persons named in column 3 of table 2 are appointed as deputies to act in the place of the provisional members specified in column 2 of table 2 adjacent to the name of that person.

SCHEDULE

TABLE 1

Column 1	Column 2	Column 3
Section	Members	Deputies
340BB(3)(a)	Dr Neville Mark Gibbs	No Deputy
340BB(3)(b)	Dr Jennifer Bruce	Dr Jason Wells

TABLE 2

Column 1	Column 2	Column 3
Section	Members	Deputies
340BB(4)(c)	Dr Bryant Allan Stokes	No deputy
340BB(4)(e)	Dr Anthony John Lepere	Dr David Francis McDonald
340BB(4)(f)	Professor Stephan Alexander Schug	Professor Michael Paech

5. Appointment of Chairman

Dr Neville Mark Gibbs is appointed as Chairman of the Committee pursuant to section 340BB(3)(a) of the Act.

6. Terms of Appointment

The Chairman of the Committee is appointed for a period of 4 years commencing 25 March 2006. The other permanent, provisional and deputy members are appointed for a period of 3 years, commencing 10 April 2006.

JIM MCGINTY MLA, Minister for Health.

Date: 21 February 2006.

HERITAGE

HR401*

HERITAGE OF WESTERN AUSTRALIA ACT 1990

ENTRY OF PLACES IN THE REGISTER OF HERITAGE PLACES

Notice is hereby given in accordance with Section 51(2) of the Heritage of Western Australia Act 1990 that, pursuant to directions from the Minister for Heritage, the places described in Schedule 1 have been entered in the Register of Heritage Places on a permanent basis with effect from today.

Schedule 1

Description of Place

District Medical Officer's Quarters (fmr) at 24 Richardson Street, Cnr McKay Street, Port Hedland; Port Hedland Lot 76 being the whole of Crown Res 8402.

Hillcrest at 23 Harvest Road, Cnr. Turton Street, North Fremantle; Lot 7 on D11713 being the whole of the land contained in C/T V: 1327 F: 295 & Lot 427 on DP 184604 being the whole of the land contained in C/T V: 1634 F: 336.

Low Level Sewage Pumping Stations Nos. 1 & 2, Perth at Low Level Sewage Pumping Station No. 1, Causeway, Perth & Low Level Sewage Pumping Station No. 2, Terrace Road/Hill Street, Perth; Low Level Pumping Station No. 1—Ptn of Perth Lot 482 being part of Res 13950. Low Level Pumping Station No. 2—Perth Lot 483 being the whole of Res 13949 & ptn of Perth Lot 565 being ptn of Res 12510 & part of the land contained in CLT V: 3062 F: 491 together as defined in HCWA Survey Drawing No. 3298.

Northam Cemetery at Katrine Road, Northam; Avon Loc 20511, Northam Suburban Lots N28, N47, N48, N49, N50, 97 & 98 & ptn of Avon Loc 29200 together being part of Res 13238 & being part of the land contained in CLT V: 3109 F: 496 & adjacent unnumbered & unnamed road res together as shown on HCWA Survey Drawing No. 3976.

Pallottine Monastery at Pallottine Road, Tardun; Those pts of Lot 8396 on DP 149972 being part of the land comprised in C/T V: 438 F: 55A & Lot 8675 on DP 149972 being part of the land comprised in C/T V: 1126 F: 769 as are defined by HCWA survey drawing No. 1673-R1.

Redemptorist Monastery and Church at 190 Vincent Street, North Perth; Lots 1 & 2 on D33790 being the whole of the land contained in C/T V: 43 F: 297A & V: 23 F: 396A.

St Aidan's Uniting Church and Hall at 26 Princess Road, Cnr Chester Road, Claremont; Lots 4, 5 & 6 on Plan 1285 & being the whole of the land contained in C/T V: 169 F: 199.

Wagin Town Hall at Cnr Tudor & Tavistock Streets, Wagin; Wagin Lot 63 being the whole of the land contained in C/T V: 307 F: 183.

NOTICE OF ADVICE REGARDING REGISTRATION OF CROWN PROPERTY

In accordance with the requirements of Section 47(5) of the Heritage of Western Australia Act, the Heritage Council hereby gives notice that it has advised the Minister for Heritage that the places listed in Schedule 2 should be entered in the Register of Heritage Places on an interim basis. The Heritage Council hereby gives notice of the interim registration and invites submissions on the matter; which must be in writing and should be forwarded to the address below not later than 28 April 2006. The places listed in Schedule 2 are vested in the Crown, or in a person on behalf of the Crown, in right of the State.

Schedule 2

Description of Place

Asquith Bridge at Long Gully Road, Quindanning; River bed of ptn of the Murray River being unallocated Crown land, Main Roads of Western Australia (MRWA) Bridge No. 4559, ptn of Lot 748 on DP 136019 being part of Res 39822 & part of the land contained in CLT V: 3099 F: 484, & ptn of Wellington Loc 4993 being part of State Forrest No. 14 as shown on HCWA Survey Drawing No. 15424.

Dated: 17 March 2006.

IAN BAXTER, Director, Office of the Heritage Council of W.A.,
108 Adelaide Terrace, East Perth WA 6004.

JUSTICE

JU401*

COURT SECURITY AND CUSTODIAL SERVICES ACT 1999

REVOCATIONS

Pursuant to the provisions of section 56 of the *Court Security and Custodial Services Act 1999*, the Director General of the Department of the Attorney General has revoked the following Permits to do High-Level Security Work—

Surname	First Name(s)	Permit Number	Date Permit Revoked
Ashami	Adil	CS6-463	9/03/2006
Thomas	Shaun Ronald	CS6-404	9/03/2006
Casper	Alexander Brien	CS6-331	9/03/2006
Coyle	Michael	CS6-144	9/03/2006
Wiseman	Victoria Alice	CS6-096	9/03/2006

This notice is published under section 57(1) of the *Court Security and Custodial Services Act 1999*.

ANTHONY DEBARRO, A/CSCS Contract Manager.

LOCAL GOVERNMENT

LG401

LOCAL GOVERNMENT ACT 1995

City of Wanneroo

AUTHORISED OFFICERS

It is hereby notified for public information that the following persons have been appointed by Council as officers empowered to enforce the provisions of the following—

Local Government Act 1995 and related Local Laws

All other legislation Council is empowered to enforce.

- Dejan Guja
- Mandy Sherring

- Dave Barrett
- Steve Smith
- Alan Savage

The following appointments are hereby cancelled—

- Greg Spicer
- Janine Wilkie

CHARLES JOHNSON, Chief Executive Officer.

MARINE/MARITIME

MX401*

WESTERN AUSTRALIAN MARINE ACT 1982

NAVIGABLE WATERS REGULATIONS

RESTRICTED SPEED AREAS—ALL VESSELS

Water Ski Area—Perth Water

Department for Planning and Infrastructure
Fremantle WA, 17 March 2006.

Acting pursuant to the powers conferred by Section 67 of the Western Australian Marine Act 1982 the department by this notice revokes Notice TR403 as published in the *Government Gazette* on 5 May 1998, relating to the 8 knot speed limit on Perth Water, in the following waters only—

Perth Water

All the waters of Perth Water, Providing that this revocation will apply only on 19th March 2006 between the hours 1430 to Sunset and will only apply to bona fide vessels competing in approved aquatic events during the South Perth Fiesta being held by the City of South Perth.

Furthermore, that subject to Navigable Waters Regulation 48 (a), (b), (c) (d) and (e) that all the above navigable waters may be used for water skiing, wake boarding and slalom skiing by bona fide vessels competing in approved aquatic events during the South Perth Fiesta 2006 being held by the City of South Perth.

DAVID HARROD, General Manager, Marine Safety
Department for Planning and Infrastructure.

MINERALS AND PETROLEUM

MP401*

PETROLEUM ACT 1967

RENEWAL OF EXPLORATION PERMIT NO. EP 342 (R3)

Renewal of Exploration Permit EP 342 (R3) has been granted to Strike Oil Limited to have effect from and including 9 March 2006 for a period of five years.

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

MP402*

PETROLEUM ACT 1967

RENEWAL OF EXPLORATION PERMIT NO. EP 307 (R4)

Renewal of Exploration Permit EP 307 (R4) has been granted to Apache Northwest Pty Ltd, Tap (Harriet) Pty Ltd and Kufpec Australia Pty Ltd to have effect from and including 9 March 2006 for a period of five years.

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

MP403**MINING ACT 1978****FORFEITURE**

Department of Industry and Resources,
Perth WA 6000.

I hereby declare in accordance with the provisions of Section 99(1)(a) of the Mining Act 1978 that the undermentioned Mining Lease is forfeited for breach of covenant viz; failure to comply with the prescribed expenditure condition.

JOHN BOWLER JP MLA, Minister for Resources and
Assisting the Minister for State Development.

Number	Holder	Mineral Field
77/154	Nichols, Steven Jeremy Troup	Yilgarn

MP404**MINING ACT 1978****FORFEITURES**

Department of Industry and Resources,
Perth WA 6000.

I hereby declare in accordance with the provisions of Section 99(1)(a) of the Mining Act 1978 that the undermentioned Mining Leases are forfeited for breach of covenant viz; failure to comply with the prescribed expenditure condition, with prior right of application being granted to the relevant plaintiff under Section 100(2).

JOHN BOWLER JP MLA, Minister for Resources and
Assisting the Minister for State Development.

Number	Holder	Mineral Field
40/118	Barmenco Investments Pty Ltd Kookynie Resources NL Latrobe Magnesium Ltd	North Coolgardie
40/158	Barmenco Investments Pty Ltd Kookynie Resources NL	North Coolgardie

MP405**MINING ACT 1978****APPLICATION FOR AN ORDER FOR FORFEITURE**

Department of Industry and Resources,
Coolgardie WA 6430.

In accordance with Regulation 49(2)(c) of the Mining Act 1978, notice is hereby given that the following Licences are liable to forfeiture under the provisions of Section 96(1)(a) for breach of covenant, viz. failure to meet the minimum expenditure requirement.

K. AUTY, Warden.

To be heard in the Warden's Court at Coolgardie on the 18th April 2006.

COOLGARDIE MINERAL FIELD**Prospecting Licences**

15/3743—Saggers, David Malcolm
Goldearth Enterprises Pty Ltd
Hodges, Murray Kenneth
15/4484—Anglogold Ashanti Australia Ltd

MP406**MINING ACT 1978****APPLICATION FOR AN ORDER FOR FORFEITURE**

Department of Industry and Resources,
Coolgardie WA 6430.

In accordance with Regulation 49(2)(c) of the Mining Act 1978, notice is hereby given that the following Licences are liable to forfeiture under the provisions of Section 96(1)(a) for breach of covenant, viz. non payment of rent.

K. AUTY, Warden.

To be heard in the Warden's Court at Coolgardie on the 18th April 2006.

COOLGARDIE MINERAL FIELD**Prospecting Licence**

15/4100—Cumbo, Clem Paul
Bouffler, Roy Ernest

PLANNING AND INFRASTRUCTURE

PI401***TOWN PLANNING AND DEVELOPMENT ACT 1928****APPROVED TOWN PLANNING SCHEME AMENDMENT***Shire of Busselton***Town Planning Scheme No. 20—Amendment No. 85**

Ref: 853/6/6/21 Pt 85

It is hereby notified for public information, in accordance with section 7 of the Town Planning and Development Act 1928 (as amended) that the Minister for Planning and Infrastructure approved the Shire of Busselton town planning scheme amendment on 13 March 2006 for the purpose of—

1. Amending the Scheme to add a new 'Part 13—Designated Bushfire Prone Areas'.
2. Amending the Scheme to include under Part 13 a new clause 106 to the Scheme which shall read as follows—

106. DESIGNATED BUSHFIRE PRONE AREAS

- (1) A Designated Bushfire Prone Area is any area identified on the Bush Fire Hazard Assessment maps with a bush fire hazard level of medium, high or extreme. Dwelling construction within a Bushfire Prone Area will be subject to the relevant bushfire prone area building requirements pursuant to the Building Code of Australia and Australian Standard 3959—1999.
- (2) The Bush Fire Hazard Assessment maps held at the local government offices (and as may be amended from time to time) form part of the Scheme for the purposes of this clause.
- (3) If an owner disputes his land's identification within a Designated Bushfire Prone Area that owner may request in writing the local government to reconsider that identification.
- (4) On receiving a request made under sub-clause (3), the local government may by notice in writing served on the person who made that request—
 - (a) determine that the land is not within a Designated Bushfire Prone Area; or
 - (b) determine that the land's identification within a Designated Bushfire Prone Area is correct.

K. DOUGLAS, Mayor.
A. MacNISH, Chief Executive Officer.

PI402***TOWN PLANNING AND DEVELOPMENT ACT 1928****APPROVED TOWN PLANNING SCHEME AMENDMENT***Shire of Busselton***Town Planning Scheme No. 20—Amendment No. 90**

Ref: 853/6/6/21 Pt 90

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 Busselton town planning scheme amendment on 11 March 2006 for the purpose of—

1. Amending Schedule 4 relating to Additional Use No. 6 and Additional Use No. 52 to read as follows—

NO	PARTICULARS OF LAND	LAND USE PERMITTED/SPECIFIED	CONDITIONS
6	Portion of Lot 1002 Butterly Road, Yallingup, being proposed Lot 9 as shown on the endorsed Development Guide Plan (Tourism Development Lot).	The Additional Uses permitted on the specified land are— 1. Chalets & Holiday Cabins 2. Guesthouse 3. Restaurant 4. Public Amusement 5. Private Recreation 6. Art & Craft Studio 7. Workshop & Sales 8. Boutique Brewery 9. Winery 10. Museum 11. Club	1. The additional uses specified shall be deemed to be “AA” uses for the purpose of Clause 21.
52	Portions Lots 1 and 110, being Lot 9000, Millbrook Road, Yallingup (proposed Lots 30 and 43).	The Additional Uses permitted on the specified land are— 1. Chalets & Holiday Cabins 2. Guesthouse 3. Restaurant 4. Public Amusement 5. Private Recreation 6. Art & Craft Studio 7. Workshop & Sales 8. Boutique Brewery 9. Winery 10. Museum 11. Club 12. Rural Holiday Resort 13. Managers Dwelling	1. The additional uses specified shall be deemed to be “AA” uses for the purpose of Clause 21. 2. The additional uses, where permitted, shall be developed in a manner that is considered by Council to be consistent with the endorsed DGP and maintenance of the rural and historic amenity of the locality.

2. Amending Schedule 7 by—

- (a) Renumbering special provisions 10-15 which relate to the subdivision area of Lots 301, 302, 310, 311 and 9001 Caves and Commonage Road, Dunsborough (Dunsborough Lakes Development Area) by two additional numerical places each to allow two new provisions to be inserted as special provisions 10 and 11.
- (b) Inserting two new special provisions 10 and 11 which relate to the subdivision area of Lots 301, 302, 310, 311 and 9001 Caves and Commonage Road, Dunsborough (Dunsborough Lakes Development Area) which are to read as follows—
 10. Once adopted by Council and endorsed by the Western Australian Planning Commission, a Detailed Local Area Plan is to be used as the basis for—
 - (a) making recommendations to the Western Australian Planning Commission on subdivision applications; and
 - (b) determining development applications with respect to the land subject to the Detailed Local Area Plan.
 11. Once approved by Council, a Detailed Local Area Plan constitutes a variation of the Development Guide Plan.

3. Amending clause 14 by including sub-clauses (5) and (6) which are to read as follows—

- (5) If the Council under sub-clause (2) refuses to grant planning consent or imposes conditions and the applicant for planning consent concerned is dissatisfied with any such refusal or condition(s), that applicant for planning consent may within 28 days of being notified of that refusal or condition request in writing the Council to reconsider that refusal or condition(s) if the decision was made under the delegated authority of the Council.
- (6) On receiving a request made under sub-clause (5), the Council may by notice in writing served on the person who made that request—
 - (a) grant planning consent, subject to such conditions as it thinks fit; or
 - (b) alter or revoke the condition(s),
 to which that request relates or refuse that request.

K. DOUGLAS, Mayor.
A. MacNISH, Chief Executive Officer.

PI403***TOWN PLANNING AND DEVELOPMENT ACT 1928****APPROVED TOWN PLANNING SCHEME AMENDMENT***City of Kalgoorlie-Boulder*

Town Planning Scheme No. 1—Amendment No. 32

Ref: 853/11/3/6 Pt 32

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 Kalgoorlie-Boulder town planning scheme amendment on 14 March 2006 for the purpose of rezoning Lots 1-4 Boulder Road and Lot 5 Hanbury Street from "Central Business R60" to "Mixed Business R30" and Lot 1169 Hanbury Street from "Public Purpose Reserve (Tertiary Institution)" to "Mixed Business R30".

R. S. YURYEVICH, Mayor.
I. FLETCHER, Chief Executive Officer.

PI404***TOWN PLANNING AND DEVELOPMENT ACT 1928****APPROVED TOWN PLANNING SCHEME AMENDMENT***City of Nedlands*

Town Planning Scheme No. 2—Amendment No. 163

Ref: 853/2/8/4 Pt 163

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 Nedlands town planning scheme amendment on 13 March 2006 for the purpose of amending the Scheme Map by increasing the residential density coding of Lots 3 and 133 Walpole Street, Swanbourne, from "Residential R10/20" to "Residential R25".

L. G. TAYLOR, Mayor.
D. E. PRICE, Chief Executive Officer.

PI405***TOWN PLANNING AND DEVELOPMENT ACT 1928****APPROVED TOWN PLANNING SCHEME AMENDMENT***City of Stirling*

District Planning Scheme No. 2—Amendment No. 490

Ref: 853/2/20/34 Pt 490

It is hereby notified for public information, in accordance with section 7 of the Town Planning and Development Act 1928 (as amended) that the Minister for Planning and Infrastructure approved the City of Stirling town planning scheme amendment on 11 March 2006 for the purpose of—

1. Amending Schedule 2B by inserting a new row (following entry 'A12') to state the following—

NO	DESCRIPTION OF LAND	ADDITIONAL USE	CONDITIONS
A13	Lot 205, HN 99 Wanneroo Road, Tuart Hill	a. Holiday Units	<ol style="list-style-type: none"> 1. Use of the site (or any portion of it) for 'short stay' / holiday unit use not to commence prior to the submission, approval and implementation of an upgrading plan for the site; and 2. Lease of units for 'short stay' / holiday unit use to accord with the terms of a Management Plan adopted by the Council.

2. Amending the Scheme Map by denoting a symbol 'A13' on Lot 205, HN 99 Wanneroo Road, Tuart Hill as shown in the plan attached to the amending documents.

T. J. TYZACK, Mayor.
L. DELAHAUNTY, Chief Executive Officer.

PI701*

TOWN PLANNING AND DEVELOPMENT ACT 1928

APPROVED TOWN PLANNING SCHEME

Shire of Harvey and Shire of Dardanup

JOINT TOWN PLANNING SCHEME NO. 1

(East Australind/Eaton Precinct Development Scheme)

Ref: 853/6/1/2

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 Shire of Harvey and Shire of Dardanup Joint Town Planning Scheme No. 1 on 28 February 2006, the scheme text of which is published as a Schedule annexed hereto.

P. R. MONAGLE, President.
Shire of Harvey.

M. A. PARKER, Chief Executive Officer.
Shire of Harvey.

M. T. BENNETT, President.
Shire of Dardanup.

M. L. CHESTER, Chief Executive Officer.
Shire of Dardanup.

SCHEDULE**TOWN PLANNING AND DEVELOPMENT ACT 1928**

The Shires of Harvey and Dardanup under and by virtue of the powers conferred upon them in that behalf by the Town Planning and Development Act 1928 (as amended) and all other powers enabling them hereby makes the following Joint Shire's Development Scheme.

SCHEME TEXT

- 1.0 Citation
- 2.0 Responsible Authorities
- 3.0 Scheme Map
- 4.0 Scheme Area
- 5.0 Schedules and Appendices
- 6.0 Headings
- 7.0 Interpretations
- 8.0 General Objects
- 9.0 Powers of the Authorities
- 10.0 Scheme Design
- 11.0 Stages
- 12.0 Subdivision
- 13.0 Acquisition of Land
- 14.0 Disposal of Land
- 15.0 Closure of Roads
- 16.0 Shared Costs
- 17.0 Payment of the Shared Costs
- 18.0 Estimate of the Shared Costs
- 19.0 Collection and Allocation of the Shared Costs between Authorities
- 20.0 Land Owned by the Authorities
- 21.0 Variation to Scheme Precedence
- 22.0 Service of Notices
- 23.0 Valuations
- 24.0 Arbitration
- 25.0 Appeal
- 26.0 Claims for Compensation
- 27.0 Revocation of the Scheme

APPENDICES

Schedule One—Interpretations

Schedule Two—Schedule of Distributor Roads and Cost Apportionment

Schedule Three—Schedule of Lot Titles—Nett Subdividable Areas and Shared Cost Apportionment

Schedule Four—Collie River Bridge—Schedule of Lot Titles and Shared Costs including Land Areas affected by Weighting Factor of 2

Schedule Five—Eaton Drive—Shared Cost Apportionment and Council Costs associated with the construction of the second carriageway and balance of works—Schedule of Lot Titles—Nett Subdividable Areas and proportions.

1.0 CITATION

1.1 This Development Scheme is cited as the Shire of Harvey and Shire of Dardanup Joint Town Planning Scheme No. 1 (hereinafter called “the Scheme”) and shall come into operation on publication of notice of the Minister's final approval thereof in the *Government Gazette*.

2.0 RESPONSIBLE AUTHORITIES

2.1 The Authorities responsible for enforcing the observance of the Scheme shall be the Shires of Harvey and Dardanup (hereinafter referred to as “the Authorities”).

2.2 The Authorities shall form a joint committee consistent with the Local Government Act 1995, with equal representation from the Shire of Harvey and Shire of Dardanup, to assist the Authorities in the administration of the Scheme.

3.0 SCHEME MAP

3.1 The East Australind/Eaton Guided Development Scheme Map shall be referred to as the “Scheme Map” and shall form part of the Scheme. The purpose of the Scheme Map is to identify where scheme works are to be undertaken and the location of indicative land use classifications. The Scheme does not envisage the rezoning or reserving of land.

4.0 SCHEME AREA

4.1 The Scheme shall apply to the land contained within the inner edge of the broken black line as shown on the attached Scheme Area Map and is hereinafter referred to as “the Scheme Area”.

5.0 SCHEDULES AND APPENDICES

5.1 Any Schedule or Appendix appended hereto forms part of the Scheme.

6.0 HEADINGS

6.1 The Table of Contents and any heading of clauses or sub clauses are intended for reference only and do not affect the construction of the Scheme.

7.0 INTERPRETATIONS

7.1 Words and expressions used in the Scheme and defined in Schedule One have the meanings assigned to them in Schedule One.

7.2 Words and expressions used in the Scheme but not defined in Schedule One have the meanings assigned to them in and for the purpose of the Act or in any regulations made thereunder.

8.0 GENERAL OBJECTS

8.1 The general objects of the Scheme are—

- (a) to make provision for the construction of new roads and/or the upgrading of existing roads within the Scheme Area.
- (b) to make provision for the construction of a new bridge over the Collie River including the approaches thereto.
- (c) to make provision for the respective rights and obligations of the landowners and of the Authorities.
- (d) to improve and secure the amenity health and convenience of the Scheme Area.
- (e) to make provision for the equitable sharing and apportionment of the shared costs between the subdividing owners deemed by the Authorities to be necessary to carry out and complete the subdivision of the Scheme Area including the allocation and/or recoupment of administration and interest costs deemed applicable thereto.
- (f) to make provision for any other matters which are necessary or incidental to town planning.

8.2 The Scheme does not make provision for how general infrastructure and open space is to be developed. Proposals to make detailed provision for general infrastructure and open space shall be undertaken through an amendment to the Scheme or an amendment to the existing district town planning schemes of the respective Authorities.

9.0 POWERS OF THE AUTHORITIES

9.1 In the conduct and management of the Scheme the Authorities shall have the following powers—

- (a) To enter at all reasonable times and inspect any land within the Scheme Area.
- (b) To make agreements with the owners occupiers purchasers or prospective purchasers of any land or buildings within the Scheme Area.
- (c) To enter into agreements with the Crown and any Department of the State or the affected Local Authorities with reference to carrying out any of the objects or works of the Scheme.
- (d) To engage suitably qualified and experienced professional consultants and contractors as considered necessary to implement the Scheme.
- (e) Subject to clause 10.0 to make variations to the design where necessary to implement the Scheme.
- (f) To exercise any rights and powers vested in the Authorities to borrow or advance money and to charge and redeem interest at the rate charged on the borrowed funds or at the overdraft rate applying at the time in respect to any monies that may be advanced or required by the Authorities to assist with the implementation of the Scheme.
- (g) (To if requested by an owner or owners) call tenders and let contracts for Subdivision on an owner or owners land to facilitate the progressive implementation of the Scheme.

- (h) To resume or otherwise acquire so much of the land within the Scheme Area as is deemed reasonably necessary to achieve the general objects of the Scheme.
- (i) To unless otherwise stated dispose of any land resumed or acquired within the Scheme Area upon any terms and conditions they think fit.
- (j) To extend the time for payment of any monies payable to the Authorities notwithstanding that the time has expired and to secure such payments.
- (k) To transfer any land resumed or acquired by the Authorities in pursuance of the Scheme as compensation or part compensation and to enter into agreements relative to determining and settling compensation.
- (l) To make provision for such of those matters set out in the Act as are necessary or incidental to good effective planning subdivision and development of the Scheme Area.

10.0 SCHEME DESIGN

10.1 The location of selected proposed distributor roads and the proposed Collie River Bridge, as identified on the Scheme Map, forms part of the Scheme for the purposes of identifying the nature of scheme works which are subject to a cost sharing arrangement. Any significant alteration to the location of the roads or bridge shall be effected by a structure plan as adopted by Council and endorsed by the Western Australian Planning Commission.

10.2 The broad conceptual design on the Scheme Map detailing land use and other roads is indicative and does not form part the Scheme nor does the Scheme envisage to rezone or reserve the land. Any alterations to land use details, shall be a reflection of gazetted amendments to operative district town planning schemes and/or structure plans and approved subdivision plans as endorsed by the Western Australian Planning Commission.

10.3 The Western Australian Planning Commission (hereinafter referred to as "the Commission") shall be notified in writing of any proposed alteration or variation to the Scheme Map made pursuant to the provisions of this clause. Such alteration or variation shall not have any effect until approved by the Commission.

11.0 STAGES

11.1 The Authorities may divide the Scheme Area into stages they consider appropriate for the progressive subdivision of land the provision of services and the carrying out of works and for the apportionment of the Shared Costs.

11.2 If the Scheme is implemented in stages the Scheme Text shall be read and construed as though any necessary modifications to it have been made in order to make the provisions of the Scheme Text applicable to the implementation of the Scheme in stages.

12.0 SUBDIVISION

12.1 As and when an owner wishes to subdivide and develop his/her land either alone or in conjunction with another owner or owners they shall submit an application to subdivide to the Commission pursuant to the Act and the Town Planning and Development (Subdivision) Regulations 1999 or pursuant to the Strata Title Act 1985 and the Strata Titles General Regulation 1996.

12.2 If any part of the Scheme Area has not been designed such subdivision design plan shall be capable of forming part of the overall plan of subdivision for the Scheme Area as deemed appropriate by the Authorities and the Commission.

12.3 The preceding subclauses apply to any subdivision including an application to facilitate the creation of any proposed "super lot" within the Scheme area.

12.4 The owner or owners shall be responsible for the costs of preparing the subdivision design plan and the application to subdivide their respective land areas.

12.5 Except as may be otherwise provided in the Scheme owners shall be responsible for compliance with any condition imposed on the grant of approval of subdivision and including the terms and provisions of this Scheme and the carrying out of the subdivision works and for the costs of implementing the subdivision.

12.6 The Authorities if requested by an owner or owners in writing and if they so agree may undertake to survey construct pave and drain roads and pedestrian accessways within the Scheme Area and generally carry out such subdivision works as is necessary to enable an owner or owners to satisfy the conditions imposed pursuant to sub clause 12.6 at the owners cost.

12.7 If an owner shall subdivide his/her land and if he/she or their predecessors in title shall have claimed or shall have been paid compensation by reason of the resumption by the Authorities of the land for a new road or pedestrian accessway within the Scheme Area since gazettal of the Scheme he/she shall before the date of subdivision release the Authorities from the payment of compensation or repay to the Authorities the compensation paid by them to him/her or their predecessors in title as the case may be.

13.0 ACQUISITION OF LAND

13.1 If any owner of land within the Scheme does not proceed with the subdivision and development of his/her land in accordance with the provisions of the Scheme and his/her failure to do so will in the opinion of the Authorities unduly delay or impede the completion of the Scheme or the subdivision or development of part of the Scheme Area the Authorities may resume or otherwise acquire so much of that owners land as is reasonably necessary to enable the subdivision of the Scheme Area to proceed or be carried out.

13.2 In the event that the Authorities resume or acquire portion of an owners land pursuant to sub clause 13.1 they shall have all the powers of an owner in the subdivision and disposal of the land resumed or otherwise acquired in achieving the objectives of the Scheme.

14.0 DISPOSAL OF LAND

14.1 In the case of land resumed or acquired for the purpose of a road reserve the Authorities shall upon completion of the resumption or acquisition take such steps as are necessary to dedicate the land as a public road.

14.2 In the case of land resumed or acquired for the purpose of a reserve for pedestrian accessway right of way water supply sewerage drainage recreation or community facility site the Authorities shall upon completion of the resumption or acquisition transfer or vest the land free of cost in the Crown or the Authorities concerned for the purpose for which it is to be reserved or set aside.

14.3 In the case of land resumed or acquired which will form part of proposed new lots within the Scheme Area the Authorities may either—

- (i) transfer the land resumed or acquired to the adjoining owner upon receipt of the compensatable value of the land resumed or acquired and including all costs incurred in determining and settling any compensation payment including land resumption and transfer costs; or
- (ii) exchange part of the land resumed or acquired with land of the adjoining owner so that the Authorities and adjoining owner each possess areas capable of creating a new subdivided lot or lots. Such exchange shall be based on the value of the land exchanged being at least equal to the value of the land resumed including all costs incurred in determining and settling any compensation payment including land resumption and transfer costs.

14.4 Any new subdivided lots owned by the Authorities as a result of them implementing the provisions of sub clause 14.3 may be disposed of by the Authorities as they think fit.

15.0 CLOSURE OF ROADS

15.1 Surveyed roads and rights of way within the Scheme Area which are shown on the Scheme Map as roads to be closed (if any) shall be closed as the subdivision and development of the land proceeds and as such roads are no longer required.

15.2 All costs associated with the realignment and closure of distributor roads, as identified under the Scheme as scheme works, shall be dealt with as shared costs. The future use, land tenure and ownership of closed road reserves shall be determined consistent with the Land Administration Act and Town Planning and Development Act.

16.0 SHARED COSTS

16.1 The costs or estimated costs of the following items are the Shared Costs—

- (a) The Costs of preparation and administration of the Scheme including an amount to reimburse the Authorities for all overhead and management costs as may be incurred in the preparation and implementation of the Scheme and including all legal costs planning costs base mapping costs and the preparation of all maps and plans payments to planning and engineering consultants surveyors and other professional consultants payments to Scheme managers and valuation costs. The engineering consultants fees are included as part of a maximum 3 percent design and supervision fees, as prescribed under the Local Government Act, relative to the cost of construction of the respective scheme works, and, if required, engineering consultancy costs which exceed the 3 percent design and supervision fee are also applicable to this item.
- (b) All costs associated with the establishment of selected distributor road reserves and construction of associated works, and including road closure action where required, as prescribed under Shared Costs in 'Schedule Two—Distributor Roads and Cost Apportionment of the Scheme for the respective Shires.
- (c) All costs associated with the establishment of a two-lane bridge over the Collie River, including a single dual use path.
- (d) All interest accruing from time to time on monies borrowed or advanced by the Authorities for the purposes of the Scheme.
- (e) The cost (if any) of securing Professional Indemnity Insurance relative to the implementation of the Scheme.
- (f) All other costs and expenses which the Authorities incur or are required to meet in order to implement and complete the Scheme.
- (g) Any sum necessary to reimburse an owner any excess value pursuant to clause 17.9 excluding interest.

16.2 The owners apportionment of shared costs is determined in accordance with Schedules Two to Five inclusive, and Sub-clauses 16.3 to 16.5 inclusive.

16.3 An owners apportionment of shared costs associated with the construction of the Collie River Bridge and associated administration costs, as referred to in Sub-clause 16.1, shall be equated to the proportion of the net subdividable area of the owner's land holding divided by the whole of the whole of the net subdividable area in the Scheme Area, except that a weighting factor of 2 shall apply over the proposed lots consisting of the proposed district shopping centre, mixed business/service commercial and tavern/fast food outlet development sites.

16.4 The owners apportionment of shared costs as for the establishment of district distributor roads reserves and associated administrative costs, as prescribed under Schedule Two of the Scheme, is

equated to the proportion of the net subdividable area of the land holding to the whole of the net subdividable area either the East Australind or Eaton Precincts of the respective Shires, depending on the location of the owner's land holding.

16.5 The owners apportionment of all other administration costs, i.e. excluding those costs referred to in Sub-clause 16.3 and 16.4, shall be equated to the proportion of the net subdividable area of the land holding to the whole of the net subdividable area of the Scheme Area.

17.0 PAYMENT OF THE SHARED COSTS

17.1 Each owner of land shall prior to endorsement of the final approval of the Commission to the subdivision of his/her land shall pay to the Authorities the owners proportion of the Shared Costs calculated on the nett area of the super lot or the land area being subdivided.

17.2 If a super lot subdivision is supported by the Commission, the Commission will determine how to ensure prospective purchasers are made aware that subsequent subdivision proposals will be required to pay the proportion of Shared Costs as determined by the Scheme. The costs associated with implementing the binding arrangement shall be fully paid by the subdivider.

17.3 The Authorities may from time to time apportion the Shared Costs or any part thereof between different stages of development in the ratio that the nett subdividable area of the land in each stage of development bears to the whole of the nett subdividable area of land in the Scheme Area or in such other manner as the Authorities consider is fair and equitable.

17.4 The Authorities may accept the transfer to them of subdivided serviced lots or other land within the Scheme Area in satisfaction or partial satisfaction of an owners liability to pay his/her proportion of the Shared Costs.

17.5 If after the expiration of Twenty (20) years from the date the Scheme comes into force or any extension of that period as agreed between the Authorities an owner has not carried out and completed the subdivision of his/her land nor paid his/her proportion of the Shared Costs pursuant to clause 19.0 the Authorities may serve written notice on such owner requesting payment of the owners proportion of the Shared Costs within ninety (90) days of the service of such notice.

17.6 If an owner fails to make the payment or enter into any arrangement that is acceptable to the Authorities for payment of the owners proportion of the Shared Costs the Authorities may recover such costs including interest thereon until the date of payment from the person in default as a simple contract debt in a court of civil jurisdiction competent to deal with the amount of the claim.

17.7 Any expenses incurred by the Authorities in recovering an owners proportion of the Shared Costs shall be a charge to that owner.

17.8 If an item of the Shared Costs as referred in clause 16.0 hereof is performed and/or carried out by a subdividing owner or owners and that subdividing owner or owners are entitled to reimbursement for any portion of the Shared Cost items that have been performed and/or carried out in excess of that owner or owners required proportion of the Shared Cost item or items such owner or owners shall be entitled to reimbursement of the excess value by the Scheme.

17.9 Any reimbursement payable to an owner or owners as referred in sub clause 16.1i) hereof may be postponed by the Authorities until sufficient monies have been paid to the Scheme in respect of the item or items on which reimbursement of the excess value is payable.

18.0 ESTIMATE OF SHARED COSTS

18.1 If any of the items of the Shared Costs have not been paid nor ascertained at the date of the subdivision of a parcel of land the Authorities may estimate the cost of such items. The engineering consultants fees are included as part of a maximum 3 percent design and supervision fees, as prescribed under the Local Government Act, relative to the cost of construction of the respective scheme works, and, if required, engineering consultancy costs which exceed the 3 percent design and supervision fee are also applicable to the item.

18.2 The Shared Costs including any estimated costs shall be revised annually during the month of June in each year and once adopted by the Authorities shall apply during the subsequent twelve (12) month period effective from the first day of July in each year.

18.3 A schedule of the Shared Costs shall be established as soon as practicable following gazettal of the Scheme and such Schedule including subsequent revisions as referred in sub clause 18.2 shall be maintained and be made available for perusal by the owners during normal business hours.

18.4 Payment of an estimate by an owner discharges the owners liability in respect of the item of Shared Costs for which the estimate was made.

18.5 If an estimate is greater than the amount paid or incurred by the Authorities it shall refund the difference to the owner. If after six (6) years the Authorities are unable to trace an owner entitled to receive a refund they shall expend the amount thereof for the benefit of the Scheme Area.

18.6 If the Authorities commission the carrying out of any of the Shared Cost works referred in clause 16.0 they shall cause tenders to be called so as to ensure the best reputable contract price is obtained. The Authorities may submit a tender (or fixed contract price) for such of the works they have a capacity to perform but the Authorities shall not award any contract or portion thereof to the Authorities or either of them unless it is deemed by the Authorities to be in the best interests of the Scheme to do so.

19.0 COLLECTION AND ALLOCATION OF THE SHARED COSTS BETWEEN AUTHORITIES

19.1 Each authority in whose municipal boundary subdivision is carried out pursuant to the provisions of this Scheme shall be responsible for collecting the relevant proportion of the Shared Costs as detailed in clause 18.0 hereof.

19.2 The Authority collecting the Shared Costs as referred in sub clause 19.1 shall upon receipt of such payment in respect of the items referred in sub clause 16.1 (a and e) deposit the amount paid into a Joint Scheme Account established by the Authorities for the purposes of the Scheme. In respect of the balance items referred in sub clause 16.1 the payments received by each authority shall be deposited into a separate Scheme Account established by each authority for the purposes of the Scheme.

19.3 Signatories to the Joint Scheme Account shall constitute a Councillor/Officer nominated from time to time by each Authority that is party to this Scheme. All withdrawal/payment and/or transfer of any monies into an interest bearing deposit from the Joint Scheme Account shall be signed by one nominated representative of each of the Authorities.

19.4 The Shared Costs collected by the Authorities shall be used and applied to offset the cost of the works and/or land acquisition costs as detailed in clause 16.0 hereof in the proportion to which the Shared Costs were collected. If the final value of the Shared Cost items is more than the value of the Shared Costs collected, the shortfall shall be paid by the Authorities. If the value collected is greater than the final value of the Shared Cost items the excess shall be applied toward further improvements within the Scheme Area.

19.5 The monies paid and/or received into the Joint Scheme Account including interest earned on such monies in respect to sub clause 16.1 (a and e) shall be used by the Authorities for the express purpose for which such payments/monies were collected.

19.6 If after 60% of the Scheme Area has been subdivided and/or developed the Authorities elect to proceed with the bridge construction works and use loan funds to finance the balance cost of such works the Authorities shall be entitled to recover such loan interest and bank charges cost from the remaining owners that have yet to subdivide their land at the time such loan funds were established as a Shared Cost.

19.7 The timing of the construction of the distributor roads, which are subject to scheme works under this Scheme, shall be determined by the respective Authorities, subject to sufficient funds being obtained, the need to provide the level of road service commensurate with traffic demand and the extent of subdivision works.

20.0 LAND OWNED BY THE AUTHORITIES

20.1 All or any of the land now owned or subsequently acquired by the Authorities within or near the Scheme Area may be used by the Authorities for any purpose appropriate to the Scheme (and the Authorities have all the powers of an owner in respect thereof) and if the purpose is one for which an owner is required to make land available or for which land may be acquired by the Authorities hereunder the Authorities shall be compensated for the value of the land so used.

21.0 VARIATION TO SCHEME PRECEDENCE

21.1 If the Authorities have in anticipation of the coming into operation of the Scheme entered into an agreement with an owner of land within the Scheme Area the provisions of the Scheme prevail if there is any conflict or inconsistency between the terms of the agreement and the Scheme.

21.2 The current district town planning schemes—ie the Shire of Harvey District Town Planning Scheme No 1 and the Shire of Dardanup District Town Planning Scheme No 3 shall not be revoked and will administer matters relating to zoning, development control and land use planning. Where a provision of this Scheme is inconsistent with the respective district town planning schemes of the Shires, i.e. in relation to the cost sharing arrangements proposed for the distributor roads and bridge which are the subject to scheme works, this Scheme prevails.

22.0 SERVICE OF NOTICES

22.1 Any notice to be served or given to an owner pursuant to the Scheme may be sufficiently served if sent to such owner by registered post addressed to him/her at their last address appearing in the rate book of the Authorities and a notice so sent shall be deemed to have been served on the day on which it would in the ordinary course of post reach the address to which it was sent.

23.0 VALUATIONS

23.1 Where it is necessary to ascertain the value of any land for the purpose of the Scheme the value shall be determined by the Valuer General or at the option of the Authorities by a disinterested and competent valuer being a fellow or associate of the Australian Institute of Valuers appointed or approved by the Authorities.

23.2 When it becomes necessary to make a valuation by reason of an application for consent to a subdivision the person making the application shall pay the costs of the valuation.

23.3 Unless part 10 of the Land administration Act 1997 applies, Clause 23.4 applies if it is necessary to ascertain the Value of any land for the purpose of acquisition for a public purpose.

23.4 "Value" means the fair nett expectance value inclusive of subdivisional profit from and in respect of the sale of the vacant land in its optimum subdivided form—

- (i) on the basis that there are no buildings, fences or other improvements of a like nature on the land;
- (ii) on the assumption that any rezoning necessary for the purpose of the development has come into force; and
- (iii) taking into account the added value of all other improvements on or appurtenant to the land.

23.5 If an owner objects to the value of his/her land determined in accordance with the provisions hereof he/she may give notice in writing of the objection to the Authorities within thirty (30) days after having been informed of the value or a revised value.

23.6 If the valuer does not agree to change the value to a value acceptable to the owner the value shall be determined by arbitration in accordance with the provisions of clause 24.0.

23.7 If a valuation made by a valuer is changed as a result of an objection the valuer may reconsider the values placed on other land and make such revaluation as he considers just and equitable and the Authorities shall forthwith notify other owners affected by any such change in value.

24.0 ARBITRATION

24.1 Any dispute or difference which by the terms of the Scheme may be determined by arbitration may be referred to the arbitration of a single arbitrator in the manner provided by the Commercial Arbitration Act 1985 or any statutory modification thereof for the time being in force and if the parties fail to agree upon a single arbitrator he may be nominated by—

- (a) the President for the time being of the Western Australian division of the Australian Institute of Valuers if the dispute concerns a question of valuation of land; or
- (b) the President for the time being of the Law Society of Western Australia in any other case.

25.0 APPEAL

25.1 An owner of land within the Scheme Area aggrieved by a decision of the Council in respect of the exercise of a discretionary power, may appeal in accordance with Part V of the Act. If an owner commences an appeal under this sub clause in respect of any matter, the commencement of the Appeal precludes the right to refer the matter to Arbitration in accordance with the provisions of the preceding sub clause.

26.0 CLAIMS FOR COMPENSATION

26.1 The time within which an owner may make a claim for compensation pursuant to Section 11 of the Act is six (6) months after the date when notice of the approval of this Scheme is published or within six (6) months of the event or action giving rise to such claim in the manner prescribed by the regulations made under the Act.

27.0 REVOCATION OF THE SCHEME

27.1 The Scheme is intended to be revoked shall in any event with the exception of this clause cease to have any force in law when—

- (i) the subdivision and development of the Scheme Area has reached a stage where all the applicable Scheme Works and payment of the Shared Costs embodied in clause 18.0 have been fully and completely settled.
- (ii) all surplus monies and/or serviced lots (if any) have been expended and/or allocated pursuant to the provisions of the Scheme.
- (iii) all resumption and/or acquisition and transfer of any land pursuant to the provisions of the Scheme have been finalised and settled.
- (iv) all compensation payments have been finalised and settled.
- (v) all accounts have been settled and/or monies or payments required to be made to implement and complete the Scheme have been made.
- (vi) the final Scheme Accounts and Financial Statements of the Scheme have been audited and confirmed by the Auditor to reflect a true and fair position of the financial affairs of the Scheme.
- (vii) the Auditors Report has been received by the Authorities and a majority of the subdividing owners within the Scheme Area.
- (viii) the Minister for Planning and Infrastructure has been formally advised that the provisions of clause 27.0 (items (i) to (vii) inclusive) have been complied with in every respect as certified by the respective Authorities Chief Executive Officers.

EAST AUSTRALIND (SHIRE OF HARVEY) / EATON (SHIRE OF DARDANUP)

SCHEME AREA

SCHEDULE ONE

Interpretations

(A) In this Scheme unless the context otherwise requires—

“Act” means the Town Planning and Development Act 1928 as amended.

“Authorities” means the Shires of Harvey and Dardanup either jointly or separately as deemed applicable.

“Clause” means a clause of the Scheme.

“Community Facility Site Land” means the land coloured orange on the Scheme Map.

“Distributor Roads” means the distributor roads as detailed in Schedule Two and shown coloured red (district distributor) or blue (local distributor) on the Scheme Map and shall include the following scheme works—

- (a) The survey of the boundaries of the distributor road and the provision of the land for such road.
- (b) All required clearing levelling grading and other earthworks.
- (c) The required construction and paving of the carriageway or carriageways as determined under Schedule Two.
- (d) All necessary drainage works.
- (e) The provision of kerbing.

- (f) Provision of a median strip.
- (g) The construction and paving of a dual use path on one side of the road and a footpath on the other side and grade separated pedestrian crossings.
- (h) The provision and erection of street name signs, street lighting and landscaping.
- (i) Intersection channelisation works including approaches to the Collie River Bridge.
- (j) Land value for the acquisition of the road reserve.
- (k) The improvement widening and upgrading of any existing roads that are shown on the Scheme Map to become designated distributor roads and where applicable incorporating the costs referred in (a—k) inclusive hereof.

“Gross Subdividable Area” means the total area of land the subject of a subdivision application.

“Joint Scheme Account” means a separate account established at a bank nominated by the Authorities for the specific purposes of the Scheme.

“Lot” Same meaning as in the Town Planning and Development Act 1928 (as amended), and the Strata Titles Act 1985 (as amended).

“Nett Subdividable Area” means the area of land the subject of subdivision excluding land to be used for public open space, community facilities sites, wetlands and waterways protected by Environmental Protection Act Policy and Floodway land that is deemed unsubdividable by the Authorities and school sites.

“POS Land” means the land coloured dark green on the Scheme Map.

“Precincts” The “East Australind Precinct” constitutes that part of the Scheme Area that is located NORTH of the Collie River and the “Eaton Precinct” constitutes that part of the Scheme Area that is located SOUTH of the Collie River. The dividing boundary of the East Australind Precinct and the Eaton Precinct coincides with the Local Government jurisdiction boundary.

“Public Open Space Trust Fund” means the fund established for the purpose described in sub clause 16.13.1 hereof.

“Scheme” means this Joint Development Scheme.

“Scheme Area” means the area defined in clause 4.0.

“Shared Costs” means the costs described in clause 18.0.

“Sub Clause” means a sub clause of the clause in which the term is used.

“Subdivision” means the creation of lots, pursuant to the Town Planning and Development Act 1928 (as amended), and the Strata Titles Act 1985 (as amended).

“Super Lot” means a large lot, which is normally at least 10 hectares in area, created by subdivision for further subdivision.

(B) Unless otherwise provided herein or unless the context otherwise requires words and expressions not defined in (A) above have the meanings respectively assigned to them by the Act or by Appendix D to the Town Planning Regulations 1967.

(C) Headings are for reference purposes only and shall not affect the construction of this Scheme Text.

EAST AUSTRALIND (SHIRE OF HARVEY) / EATON (SHIRE OF DARDANUP) SCHEME AREA SCHEDULE TWO

Schedule of Distributor Roads and Cost Apportionment

1 Kingston Drive

Provide land for a 25 metre road reserve to facilitate construction of 2 single carriageways separated by a central median, where such road extends north of Clifton Close.

2 Kingston Drive

Provide the land for a 30 metre road reserve to facilitate provision of 2 single carriageways separated by a central median south from Clifton Close to the Collie River. The extended road width land between Paris Road and Ditchingham Place to be provided on the western side of Kingston Drive.

3 Kingston Drive—Cost Apportionment

- (a) The provision of land for the road reserve and the construction of both carriageways detailed in (1) above to be at the subdividing owners cost.
- (b) The provision of land for the road reserve between Clifton Close and Paris Road including construction of the 2 single carriageways shall constitute and be treated as a Shared Cost.
- (c) Provision of the land required to widen Kingston Drive to 30 metres between Paris Road and Ditchingham Place to be excised from Crown Reserve 35061 currently vested in the Water Corporation of Western Australia shall be treated as a Shared Cost.
- (d) Road construction works between Paris Road and Ditchingham Place consisting of the first two lanes divided by a median strip and other distributor road scheme works on a 30 metre wide road reserve, shall be treated as a Shared Cost and additional road works, if required, consisting of the 3rd and 4th lanes and other associated works shall be treated a Council Cost (Shire of Harvey).
- (e) The land acquisition for the road reserve between Ditchingham Place and the Collie River consisting of the first two lanes divided by a median strip and other distributor road scheme works on a 30 metre wide road reserve, shall be treated as a Shared Cost and additional road

works, if required, consisting of the 3rd and 4th lanes and other associated works shall be treated a Council Cost (Shire of Harvey).

4 Ditchingham Place

The final alignment for a distributor road linking Paris Road (near the Brunswick River Bridge) and Kingston Drive and a second segment linking Kingston Drive and the Australind Bypass Road, generally in the location of the existing Ditchingham Place road reserve, shall be determined by a structure plan as adopted by the Shire of Harvey and endorsed by the Commission. The western section, as depicted on the 'Scheme Map' and 'Scheme Area Map and Cost Apportionment Details', shall be excluded from cost sharing. In relation to the balance of the road, the first road works, consisting of the first two lanes divided by a median strip and other distributor road scheme works on a 30 metre wide road reserve, shall be treated as a Shared Cost. Additional road works, if required, consisting of the 3rd and 4th lanes and other associated works shall be treated as a Council cost (Shire of Harvey). Any road closure/road rationalisation action shall be treated as a Shared Cost.

5 Eaton Drive

The construction of the first carriageway consisting of two lanes (unkerbed), dual use path on one side, grade separated pedestrian crossing and drainage shall be treated as Shared Cost. The construction of the second carriageway including the final stage of the road construction as required for district distributor roads shall be treated partly as a Shared Cost (in accordance with Schedule Five) and the balance as a Council Cost (Shire of Dardanup).

EAST AUSTRALIND (SHIRE OF HARVEY) / EATON (SHIRE OF DARDANUP) SCHEME AREA

SCHEDULE THREE

Schedule of Lot Titles—Nett Subdividable Areas and Shared Cost Apportionment

East Australind Precinct (Shire of Harvey)

Owner	Lot No	Nett Subdividable Area (ha)	Percentage of Precinct (%)	Percentage of Whole Scheme Area (%)
Australian Vanguard Ltd	48	168.7334	37.007	22.827
G & J Sawyer	Pt 26	6.2130	1.363	0.841
R I E Partridge	27	6.1894	1.357	0.837
Australian Vanguard	Pt 28	10.5164	2.307	1.423
J & M Piggott (P17883)	Pt 1	3.2000	0.702	0.433
J & M Piggott	Pt 3	41.9000	9.190	5.668
J & M Piggott	Pt 43	16.6519	3.652	2.253
RP & MFW Gartrell	Pt 1	8.4000	1.842	1.136
B Bevan, J & E Bracey, K,T & G Coote, P Price, F Pike	Pt 1	155.5676	34.120	21.046
Riverland Management P/L	2	38.5746	8.460	5.218
Sub Total		455.9463 ha	100%	61.682%

Eaton Precinct (Shire of Dardanup)

Owner	Lot No	Nett Subdividable Area (ha)	Percentage of Precinct (%)	Percentage of Whole Scheme Area (%)
Ardross Estates S A P/L	14	73.9259	26.100	10.001
Ardross Estates S A P/L	Pt 13	82.6113	29.166	11.176
Parkridge Group P/L	3	59.7834	21.107	8.088
Parkridge Group P/L	4	0.3000	0.106	0.041
Parkridge Group P/L	Pt 2	14.0398	4.957	1.899
NTC P/L	150	2.3165	0.818	0.313
Parkridge Group P/L	Pt 1009	1.0361	0.366	0.140
Parkridge Group P/L	Pt 3	21.4600	7.577	2.903
Luca Investments P/L & Newstyle Construction P/L	1003	11.8400	4.180	1.602
Parkridge Group P/L	1004	7.8864	2.784	1.067
Churches of Christ Homes & Community Services P/L	1005	6.5571	2.315	0.887
Churches of Christ Homes & Community Services P/L	1007	1.4844	0.524	0.201
Sub Total		283.2409 ha	100%	38.318%
Grand Total		739.1872 ha		100%

EAST AUSTRALIND (SHIRE OF HARVEY) / EATON (SHIRE OF DARDANUP)
SCHEME AREA
SCHEDULE FOUR

Collie River Bridge—Schedule of Lot Titles and Shared Costs including Land Areas affected by Weighting Factor of 2

Owner	Lot No	Nett Subdividable Area (ha)	Percentage (%)	Land Area Affected by Weighting Factor of 2 (ha) (East Australind District Shopping Centre, Mixed Business/Service Commercial and the Tavern/Fast Food Outlet development).
East Australind (Shire of Harvey)				
Australian Vanguard Ltd	48	168.7334	22.827	
G & J Sawyer	Pt 26	6.2130	0.841	
R I E Partridge	27	6.1894	0.837	
Australian Vanguard	Pt 28	10.5164	1.423	
J & M Piggott (P17883)	Pt 1	3.2000	0.433	
J & M Piggott	Pt 3	41.9000	5.668	
J & M Piggott	Pt 43	16.6519	2.253	
RP & MFW Gartrell	Pt 1	8.4000	1.136	3.2
B Bevan, J & E Bracey, K,T & G Coote, P Price, F Pike	Pt 1	155.5676	21.046	14.9
Riverland Management P/L	2	38.5746	5.218	
Eaton (Shire of Dardanup)				
Ardross Estates S A P/L	14	73.9259	10.001	
Ardross Estates S A P/L	Pt 13	82.6113	11.176	
Parkridge Group P/L	3	59.7834	8.088	
Parkridge Group P/L	4	0.3000	0.041	
Parkridge Group P/L	Pt 2	14.0398	1.899	
NTC P/L	150	2.3165	0.313	
Parkridge Group P/L	Pt 1009	1.0361	0.140	
Parkridge Group P/L	Pt 3	21.4600	2.903	
Luca Investments P/L & Newstyle Construction P/L	1003	11.8400	1.602	
Parkridge Group P/L	1004	7.8864	1.067	
Churches of Christ Homes & Community Services P/L	1005	6.5571	0.887	
Churches of Christ Homes & Community Services P/L	1007	1.4844	0.201	
Total		739.1872 ha	100%	18.1 ha

Note: Weighting factor is to be determined by dividing the total bridge cost (reviewed annually) by the total net subdividable land to ascertain a value per square metre and the later is multiplied by two. The balance of the cost of the bridge is to be paid by owners of the other titles on a proportionate basis. The owner's proportion to the balance of the Shared Cost is to be equivalent to the owner's net subdividable land area divided by the total net subdividable land area (excluding the abovementioned commercial areas).

EATON PRECINCT (SHIRE OF DARDANUP) SCHEME AREA**SCHEDULE FIVE**

Eaton Drive—Shared Cost Apportionment and Council Costs associated with the construction of the second carriageway and balance of works—Schedule of Lot Titles—Nett Subdividable Areas and proportions.

Owner	Lot No	Nett Subdividable Area (ha)	Percentage of Shared Cost for first carriageway (%)	Percentage of Shared Cost for second carriageway (%)
Ardross Estates S A P/L	14	73.9259	26.100	19.732
Ardross Estates S A P/L	Pt 13	82.6113	29.166	22.049
Parkridge Group P/L	3	59.7834	21.107	15.957
Parkridge Group P/L	4	0.3000	0.106	0.080
Parkridge Group P/L	Pt 2	14.0398	4.957	3.747
NTC P/L	150	2.3165	0.818	0.619
Parkridge Group P/L	Pt 1009	1.0361	0.366	0.276
Parkridge Group P/L	Pt 3	21.4600	7.577	5.728
Luca Investments P/L & Newstyle Construction P/L	1003	11.8400	4.180	3.160
Parkridge Group P/L	1004	7.8864	2.784	2.105
Churches of Christ Homes & Community Services Inc.	1005	6.5571	2.315	1.750
Churches of Christ Homes & Community Services Inc.	1007	1.4844	0.524	0.396
Sub Total		283.2409 ha	100%	
Council (Shire of Dardanup)				24.400
Total				100%

Note: Costs will be calculated retrospectively and revised annually.

ADOPTION—

Adopted by resolution of the Council of the Shire of Harvey at the Meeting of the Council held on the 24th day of February 1998.

P. R. MONAGLE, Shire President.
M. A. PARKER, Chief Executive Officer.

Adopted by resolution of the Council of the Shire of Dardanup at the Meeting of the Council held on the 15th day of May 1998.

B. G. DAY, Shire President.
M. L. CHESTER, Chief Executive Officer.

FINAL APPROVAL—

Adopted for final approval by resolution of the Shire of Harvey at the Ordinary Meeting of Council held on the 14th day of September 2004 and the Common Seal of the Municipality was, pursuant to that resolution, hereunto affixed in the presence of—

P. R. MONAGLE, Shire President.
Shire of Harvey.

M. A. PARKER, Chief Executive Officer.
Shire of Harvey.

Adopted for final approval by resolution of the Shire of Dardanup at the Ordinary Meeting of Council held on the 22nd day of March 2005 and the Common Seal of the Municipality was, pursuant to that resolution, hereunto affixed in the presence of—

M. T. BENNETT, Shire President.
Shire of Dardanup.

M. L. CHESTER, Chief Executive Officer.
Shire of Dardanup.

Recommended/Submitted for Final Approval—

N. FRASER, Delegated under s.20 of the WAPC Act 1985.

Dated 7 July 2005.

Final Approval granted—

ALANNAH MacTIERNAN, Minister for Planning and Infrastructure.

Dated 28 February 2006.

POLICE

PO401***ROAD TRAFFIC ACT 1974****TEMPORARY SUSPENSION OF REGULATIONS**

I, Neil Lawrence Royle, INSPECTOR (SPECIALIST TRAFFIC OPERATIONS) being the delegated officer of the Minister for Transport under Section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by Section 83(1) of that Act, and the consent of the Local Authorities having been obtained and nominated for the purposes of:

An International Handcycling Road Race/Cycling Event by members/entrants of the Wheelchair Sports WA Assoc Inc on 17 March 2006 between the hours of 06:00 Hrs and 10:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on:- Camargue Drive and Campersic Road, Brigadoon.

A Rotary Community Bridges Fun Run by members/entrants of the Network Family Support (WA) Inc on 12 March 2006 between the hours of 06:30 Hrs and 10:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on:- Mary Street, Old Coast Road, Leisure Way, Egret Point, Estuary Bridge, Mandurah Road, Waterside Drive, Leslie Street, Winjan Place, Estuary Foreshore, Mandurah Bridge and Mary Street, Mandurah.

A Triathlon by members/entrants of the Albany Triathlon Club on 5 March 2006 between the hours of 07:00 Hrs and 11:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on:- Flinders Parade, from roundabout to Surfers Beach dual pathway, Griffiths Street, Middleton Road, Golf Links Road, Troode Street, Lower King Road, Nanarup ROAD, Hunton Road, Nanarup Road and return same route.

All participants to wear approved head protection at all times for the cycle event.

A Triathlon by members/entrants of the Rotary Club of Matilda Bay (Inc) on 26 February 2006 between the hours of 06:30 Hrs and 09:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on:- Hackett Drive and The Avenue in Crawley.

All participants to wear approved head protection at all times for the cycle event.

A Triathlon by members/entrants of the Geraldton Triathlon Club on 18 March 2006 between the hours of 14:00 Hrs and 16:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on:- Point Leander Drive, George Street, Kailis Drive, and return to point Leander Drive, in Dongara.

All participants to wear approved head protection at all times for the cycle event.

A Triathlon by members/entrants of the Esperance Triathlon Association on 12 March 2006 between the hours of 07:30 Hrs and 11:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on:- The Esplanade, James Street, Dempster Street and Norseman Road in Esperance.

All participants to wear approved head protection at all times for the cycle event.

A Cycle Race by members/entrants of the Eastern Goldfields Cycle Club on 19 March 2006 between the hours of 08:30 Hrs and 11:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on:- Eastern Bypass Road, in the City of Kalgoorlie/Boulder.

All participants to wear approved head protection at all times.

A Cycle Race by members/entrants of the Eastern Goldfields Cycle Club on 25 March 2006 between the hours of 13:30 Hrs and 16:30 Hrs, 15 July 2006 between the hours of 13:30 Hrs and 16:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on:- Black Street, cross Bulong Road/Williamstown Road roundabout onto Yarri Road and return via same route, in the City of Kalgoorlie/Boulder.

All participants to wear approved head protection at all times.

A Cycle Race by members/entrants of the Eastern Goldfields Cycle Club on 1 April 2006 between the hours of 13:30 Hrs and 16:30 Hrs, 8 July 2006 between the hours of 13:30 Hrs and 16:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on:- Eastern Bypass Road, Anzac Drive, Hannan Street, in the City of Kalgoorlie/Boulder.

All participants to wear approved head protection at all times.

An International Handcycling Road Race/Cycling Event by members/entrants of the Wheelchair Sports WA Assoc Inc on 16 March 2006 between the hours of 06:00 Hrs and 13:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on:- Chittering Valley Road and Chittering Road in the Shire of Chittering.

A Triathlon by members/entrants of the Trievents W.A. on 25 February 2006 between the hours of 12:00 Hrs and 16:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on:- Eagle Bay-Meelup Beach Road, Eagle Bay Road, Cape Naturalist Road, Meelup Beach Road into Eagle Bay-Meelup Road, in the Shire of Busselton.

All participants to wear approved head protection at all times for the cycle event.

A Cycle Race by members/entrants of the Eastern Goldfields Cycle Club on 8 April 2006 between the hours of 13:30 Hrs and 17:00 Hrs, 2 September 2006 between the hours of 13:30 Hrs and 17:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on:- Eastern Bypass Road, Anzac Drive, Hannan Street, in the City of Kalgoorlie/Boulder.

All participants to wear approved head protection at all times.

A Cycle Race by members/entrants of the Eastern Goldfields Cycle Club on 15 April 2006 between the hours of 13:30 Hrs and 16:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on:- Eastern Bypass Road, Williamstown Road, Bulong Road, Black Street, in the City of Kalgoorlie/Boulder.

All participants to wear approved head protection at all times.

A Cycle Race by members/entrants of the Eastern Goldfields Cycle Club on 22 April 2006 between the hours of 13:30 Hrs and 17:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on:- Great Eastern Highway, U-Turn at junction with Ladylock Road and return to start in the City of Kalgoorlie/Boulder.

All participants to wear approved head protection at all times.

A Cycle Race by members/entrants of the Eastern Goldfields Cycle Club on 25 April 2006 between the hours of 13:30 Hrs and 16:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on:- Eastern Bypass Road, Williamstown Road, Yarri Road, Black Street, in the City of Kalgoorlie/Boulder.

All participants to wear approved head protection at all times.

A Cycle Race by members/entrants of the Eastern Goldfields Cycle Club on 29 April 2006 between the hours of 13:30 Hrs and 17:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on:- Hannan Street, Goldfields Highway, Sutherland Street, Collier Place, in the City of Kalgoorlie/Boulder.

All participants to wear approved head protection at all times.

A Cycle Race by members/entrants of the Eastern Goldfields Cycle Club on 6 May 2006 between the hours of 13:30 Hrs and 17:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on:- Eastern Bypass Road, Williamstown Road, Bulong Road, Black Street, in the City of Kalgoorlie/Boulder.

All participants to wear approved head protection at all times.

A Cycle Race by members/entrants of the Eastern Goldfields Cycle Club on 21 May 2006 between the hours of 08:30 Hrs and 14:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on:- Coolgardie-Esperance Highway, Prinsep Street and Sinclair Street in Norseman .

All participants to wear approved head protection at all times.

A Cycle Race by members/entrants of the Eastern Goldfields Cycle Club on 27 May 2006 between the hours of 13:30 Hrs and 17:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on:- Hannan Street, Goldfields Highway, Boorara Road, Black Street in the City of Kalgoorlie/Boulder.

All participants to wear approved head protection at all times.

A Cycle Race by members/entrants of the Eastern Goldfields Cycle Club on 10 June 2006 between the hours of 13:30 Hrs and 16:30 Hrs, 9 September 2006 between the hours of 13:30 Hrs and 16:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on:- Eastern Bypass Road, Mount Monger Road, Hannan Street, in the City of Kalgoorlie/Boulder.

All participants to wear approved head protection at all times.

A Cycle Race by members/entrants of the Eastern Goldfields Cycle Club on 17 June 2006 between the hours of 13:30 Hrs and 16:30 Hrs, 23 September 2006 between the hours of 13:30 Hrs and 16:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on:- Yarri Road, in the City of Kalgoorlie/Boulder.

All participants to wear approved head protection at all times.

A Cycle Race by members/entrants of the Eastern Goldfields Cycle Club on 24 June 2006 between the hours of 13:30 Hrs and 16:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on:- Hannan Street, Goldfields Highway, Sutherland Street, Collier Road, in the City of Kalgoorlie/Boulder.

All participants to wear approved head protection at all times.

A Cycle Race by members/entrants of the Eastern Goldfields Cycle Club on 1 July 2006 between the hours of 13:30 Hrs and 16:30 Hrs, 19 August 2006 between the hours of 13:30 Hrs and 16:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on:- Eastern Bypass Road, Williamstown Road, Bulong Road, Black Street, in the City of Kalgoorlie/Boulder.

All participants to wear approved head protection at all times.

A Cycle Race by members/entrants of the Eastern Goldfields Cycle Club on 23 July 2006 between the hours of 07:30 Hrs and 11:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on:- Eastern Bypass Road, Celebration Road to Kambalda, Emu Rocks Road, Gordon Adams Road, Red Hill Lookout Access Road, in the City of Kalgoorlie/Boulder.

All participants to wear approved head protection at all times.

A Cycle Race by members/entrants of the Eastern Goldfields Cycle Club on 29 July 2006 between the hours of 13:30 Hrs and 17:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on:- Hannan Street, Goldfields Highway, Boorara Road, Black Street, in the City of Kalgoorlie/Boulder.

All participants to wear approved head protection at all times.

A Cycle Race by members/entrants of the Eastern Goldfields Cycle Club on 30 July 2006 between the hours of 08:30 Hrs and 11:00 Hrs, 6 August 2006 between the hours of 08:30 Hrs and 11:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on:- Eastern Bypass Road, Kambalda Road, Hannan Street, in the City of Kalgoorlie/Boulder.

All participants to wear approved head protection at all times.

A Cycle Race by members/entrants of the Eastern Goldfields Cycle Club on 5 August 2006 between the hours of 13:30 Hrs and 16:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on:- Moran Street, Bonnievale Road, in the City of Kalgoorlie/Boulder.

All participants to wear approved head protection at all times.

A Cycle Race by members/entrants of the Eastern Goldfields Cycle Club on 12 August 2006 between the hours of 13:30 Hrs and 15:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on:- Anzac Drive, Lane Street/Celebration Road, in the City of Kalgoorlie/Boulder.

All participants to wear approved head protection at all times.

A Cycle Race by members/entrants of the Eastern Goldfields Cycle Club on 26 August 2006 between the hours of 13:30 Hrs and 16:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on:- Hannan Street, Goldfields Highway, Boorara Road, Black Street, in the City of Kalgoorlie/Boulder.

All participants to wear approved head protection at all times.

A Cycle Race by members/entrants of the Eastern Goldfields Cycle Club on 17 September 2006 between the hours of 08:30 Hrs and 11:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on:- Bayley Street, Moran Street, in the Coolgardie Shire.

All participants to wear approved head protection at all times.

A Cycle Race by members/entrants of the Eastern Goldfields Cycle Club on 30 September 2006 between the hours of 09:30 Hrs and 12:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on:- Eastern Bypass Road, Williamstown Road, Bulong Road, Black Street, in the City of Kalgoorlie/Boulder.

All participants to wear approved head protection at all times.

A Perth 20 Miler by members/entrants of the West Australian Marathon Club on 30 April 2006 between the hours of 07:30 Hrs and 11:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on:- Footpath/Dual Use Path from Burswood Water Sports Centre, Goongonnup Bridge, Victory Terrace, Trafalgar Bridge, Footpath to Causeway, Footpath to Narrows Bridge, David Carr Memorial Park, Underpass to Mounts Bay Road, Hackett Drive to Beaton Park and return in the Perth Area.

An ASICS Bridges Fun Run by members/entrants of the West Australian Marathon Club on 2 April 2006 between the hours of 08:00 Hrs and 10:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on:- West on Riverside Drive, Victoria Avenue, West to beyond Barrack Street, Footpath adjacent to river to Tunnels and Narrows, South Side of River dual use path to Causeway, cross to dual use path to run on Eastbound Lanes of Riverside Drive at Plain Street Intersection before finishing at Langley Park in Perth.

A Cycle Time Trial Race (160Km) by members/entrants of the Australian Time Trials Association on 17 April 2006 between the hours of 07:30 Hrs and 15:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on:- Hopeland Road, Punrak Road, Karnup Road, Rapids Road, Lowlands Road, Kargotich Road, Mundijong Road, St Albans Road, Folly Road, Young Road, Serpentine Road in the Shire of Serpentine/Jarrahdale.

All participants to wear approved head protection at all times.

A Triathlon by members/entrants of the Women's Triathlon Pty Ltd on 5 March 2006 between the hours of 07:00 Hrs and 10:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on:- Hackett Drive, The Avenue, Birdwood Parade, Jutland Parade, Victoria Avenue and Beatrice Road, in the City of Subiaco/Nedlands.

All participants to wear approved head protection at all times for the cycle event.

A Dutton Rally—Hill Climb by members/entrants of the Dutton Rally Australia Pty Ltd on 25 February 2006 between the hours of 09:00 Hrs and 16:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the carriageway on:- Mt Ommauney Road, Northam.

All participants to wear approved head protection at all times.

A Goldfields Classic—Olympic Distance Triathlon by members/entrants of the Kalgoorlie Tri Club on 23 April 2006 between the hours of 08:00 Hrs and 10:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on:- Johnston Street, Maxwell Street, Speculation Road, Throssell Street, Great Eastern Highway, Gatacre Street, Johnston Street in the City of Kalgoorlie/Boulder.

All participants to wear approved head protection at all times for the cycle event.

A Cycle Time Trial Race (40Km) by members/entrants of the Australian Time Trials Association on 23 April 2006 between the hours of 07:30 Hrs and 10:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on:- Reserve Road, Berry Road, Clenton Road, O'Brien Road, Toodyay Road, in Gidgegannup.

All participants to wear approved head protection at all times.

A Pemberton Cycle Classic by members/entrants of the Shire of Manjimup on 5 March 2006 between the hours of 08:00 Hrs and 12:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on:- Vasse Highway, Pemberton North Road, Eastbrook Road, Swimming Pool Road, Pump Hill Road, Stirling Road and Pemberton Northcliffe Road, in the Shire of Manjimup.

All participants to wear approved head protection at all times.

A Cycle Time Trial Race (41Km) by members/entrants of the Australian Time Trials Association on 5 March 2006 between the hours of 07:30 Hrs and 10:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on:- De Haer Road, Rowley Road, Lyon Road .

All participants to wear approved head protection at all times.

A Cycle Time Trial Race (80Km) by members/entrants of the Australian Time Trials Association on 2 April 2006 between the hours of 07:00 Hrs and 11:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on:- De Haer Road, Rowley Road and Lyon Road, in Wandii.

All participants to wear approved head protection at all times.

A Cams Sanctioned Speed Hillclimb by members/entrants of the WA Sporting Car Club on 19 March 2006 between the hours of 07:00 Hrs and 17:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on:- Mount Ommanney Road, Northam .

All participants to wear approved head protection at all times.

A Be Active Triathlon by members/entrants of the Shire of Moora on 19 March 2006 between the hours of 07:45 Hrs and 11:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on:- Dandaragan Street, Lefroy Street, Clinch Street, Kintore Street.

All participants to wear approved head protection at all times for the cycle event.

A School Triathlon by members/entrants of the Australind Senior High School on 12 April 2006 between the hours of 09:00 Hrs and 11:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on:- Clifton Close, Kingston Drive in Australind.

All participants to wear approved head protection at all times for the cycle event.

A Community Bike Ride by members/entrants of the Department of Sport & Recreation on 12 March 2006 between the hours of 09:00 Hrs and 10:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on:- Graeme Street, Cycle Path, crossing Hawkins Street, Piccadilly Street, Hay Street, Great Eastern Highway, Burt Street, Cycle Path, crossing Wittenoom Street, Johnston Street, Speculation Road, Meldrum Avenue, O'Connor Street, McCleery Street and Great Eastern Highway, in the City of Kalgoorlie- Boulder.

All participants to wear approved head protection at all times.

A Cycling Road Race by members/entrants of the Collie Cycle Club on 7 May 2006 between the hours of 11:00 Hrs and 17:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on:- Throssell Street, Patterson Street, Preston Road, Cardiff Road, Muja Road, Lime Road, Coalfields Highway, Gibbs Road and Cameron Road, in the Shire of Collie.

All participants to wear approved head protection at all times.

A Women's Classic—Foot Race by members/entrants of the West Australian Marathon Club on 14 May 2006 between the hours of 08:00 Hrs and 10:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on:- The Cycle path around the Swan River, starting and finishing at McCallum Park, along the South Perth and Perth Foreshore.

A Cycle Time Trial by members/entrants of the Peel District Cycling Club (Inc) on 12 March 2006 between the hours of 11:30 Hrs and 12:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on:- Hopelands Road, in the Shire of Serpentine-Jarrahdale.

All participants to wear approved head protection at all times.

N. L. ROYLE, Inspector (Specialist Traffic Operations)

RACING, GAMING AND LIQUOR

RG401

LIQUOR LICENSING ACT 1988 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			
11259	Trevor James Cook & Brenda Dorothy O'Connell	Application for the grant of a Producer's licence in respect of premises situated in Bedfordale and known as Iron Gate Estate Winery	24/3/06
11261	Infinitek Pty Ltd	Application for the grant of a Restaurant licence in respect of premises situated in Ascot and known as Aquarium Seafood Chinese Restaurant	23/3/06
11262	Barwick Wines Pty Ltd	Application for the grant of a Producer's licence in respect of premises situated in Yelverton and known as Barwick Wines	31/3/06
11263	Prime Mortgage Services Pty Ltd	Application for the grant of a Restaurant licence in respect of premises situated in North Fremantle and known as New Bridges Restaurant North Fremantle	23/3/06
11257	Jeffrey Charles Digwood	Application for the grant of a Wholesaler's licence in respect of premises situated in Kenwick and known as Baron's Wholesale Liquor	24/3/06
APPLICATIONS TO ADD, VARY OR CANCEL A CONDITION OF LICENCE			
248142	Seashells Caves House Pty Ltd	Application to add, vary or cancel a condition of the Hotel licence in respect of premises situated in Yallingup and known as Caves House	3/4/06

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

Dated: 15 March 2006.

P. MINCHIN, Director of Liquor Licensing.

WATER/SEWERAGE

WA401*

WATER AGENCIES (POWERS) ACT

WATER SUPPLY IMPROVEMENTS: CITY OF KALGOORLIE-BOULDER—BINDULI Proposal to Construct a Pumping Station, Chlorination Plant and 400,000m³ Water Storage Reservoir

To improve the water supply within the City of Kalgoorlie-Boulder, the Water Corporation proposes to carry out the following works—

- An earth embankment, concrete lined water storage reservoir of approximately 400,000 cubic metres capacity, 250m long, 166m wide and 13m deep with a steel framed metal clad colorbond roof.
- A steel framed, metal clad pump station building housing pumps, motors, chlorination equipment, electrical equipment and a chlorine drum store. The building will be approximately 36m long, 16m wide and 7m high.
- Earth bank rainfall and overflow sumps and access tracks.
- Associated pipework including valves and concrete valve pits.

The location of the proposed works is at Lot 469 of DP36088 Great Eastern Highway, approximately 7km west of the Kalgoorlie GPO as shown on the plan.

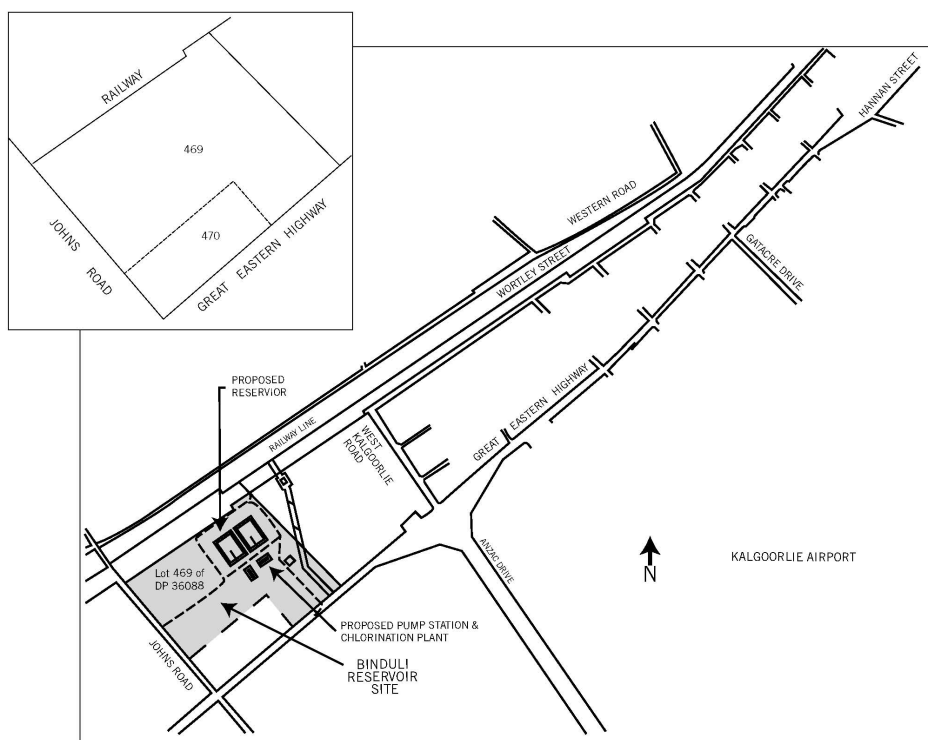
The proposed works are scheduled to commence in May 2006 and will continue for approximately 24 months.

The reservoir roof, walls and pump station building will be an environmentally sensitive colour to match the surrounding landscape. Construction of the associated pipework will be by open trench excavation which will be backfilled and restored.

A copy of this Notice of Proposal (referred to as II40-0-1) is available for viewing, during office hours, at the Water Corporation's Goldfields Regional Office, cnr Hannan and Throssell Streets, Kalgoorlie WA.

Further information can be obtained by contacting the Project Manager Ray Thompson at the Water Corporation on telephone (08) 9420 2885.

Objections to the proposed works will be considered if lodged in writing, addressed to the Project Manager, Ray Thompson, PO Box 100 Leederville 6902, before the close of business on the 21st April 2006.



PUBLIC NOTICES

ZZ401

CHARITABLE TRUSTS ACT 1962

OPHTHALMIC DAY SURGERY TRUST

Application to Vary Terms of Trust

Take notice that Ophthalmic Day Surgery Pty Ltd (Trustee) has applied to the Supreme Court pursuant to sections 10 and 15 of the *Charitable Trusts Act 1962* to approve a scheme to vary the terms of the charitable trust known as the Ophthalmic Day Surgery Trust (Trust).

The Trust was settled to establish an ophthalmic day surgery facility and to distribute the profit as to 50% to Lions Eye Institute of Western Australia Inc (Lions Eye Institute) and the remaining 50% to qualifying funds.

Following agreement for payment of \$1 million to Lions Eye Institute the proposed scheme—

- ends the fixed interest of Lions Eye Institute and makes consequential amendments to the trust deed;
- provides that the Trust can directly undertake charitable purposes as well as distributing moneys to other charitable entities;

- c. provides for the Trust to have perpetual existence;
- d. includes provisions required by the Australian Taxation Office for Deductible Gift Recipients;
- e. changes the name of the Trust to Eye Surgery Foundation; and
- f. makes further consequential amendments.

The application is to be heard by a Judge at the Supreme Court of Western Australia at Perth at the hour of 10.30am on Thursday the 4th day of May 2006.

Any person desiring to oppose the scheme must give written notice of their intention to do so to the Principal Registrar of the Supreme Court, the Trustee and the Attorney General of Western Australia not less than seven clear days before the date proposed for the hearing.

Copies of the scheme can be obtained from the Trustee's solicitors, Irdi Legal of 248 Oxford St Leederville Western Australia telephone 94432544 (reference:CM)

DECEASED ESTATES

ZX401

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Harold David Dorian late of 25 Lawler Street, Subiaco, self employed, deceased. Notice is hereby given that all creditors and other persons having claims or demands (to which section 63 of the Trustees Act 1962 relates) in respect of the estate of the abovenamed Harold David Dorian who died on 12 January 2006 are requested to send particulars thereof in writing to the executor, Stanley Keith Dorian of care of summerslegal, PO Box 7767, Cloisters Square, Perth, Western Australia 6850 within one month from the date of this publication after which date the executor will proceed to convey or distribute the assets of the deceased among the persons entitled thereto having regard only to the claims and demands of which he shall then have notice.

ZX402

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Creditors and other persons having claims to which Section 63 of the Trustees Act 1962 as amended relates in respect of the estate of Florence Parkin late of Bethany Fields Nursing Home, 111 Eaton Drive Eaton in the State of Western Australia who died on 9 November 2005 are required by the personal representative to send particulars of their claims addressed to the Executor of the Estate of Florence Parkin deceased care of Young & Young 5 Spencer Street Bunbury by the 14th day of April 2006 after which date the personal representative may convey or distribute the assets having regard only to the claims of which the personal representative then has notice.

ZX403

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Newman, Marcia Mary late of 27 Wheeler Road, Hamilton Hill, Home Duties, died 25 January 2006.

Creditors and other persons having claims (to which section 63 of the Trustees Act 1962 relates) in respect of the estate of the deceased person are required by the deceased's representative, John Charles Newman to send particulars of their claims to him care of K G Sorensen, Barrister & Solicitor, Level 1, 16 Irwin Street, Perth WA 6000 within ONE (1) month of the date of publication hereof after which date the deceased's representative may convey or distribute the assets, having regard only to the claims of which he has then received notice.

J. C. NEWMAN.

ZX404**TRUSTEES ACT 1962****DECEASED ESTATES****Notice to Creditors and Claimants**

Wiltshire, Marie Elizabeth late of 29 Kurannup Road, Albany, Home Duties, died 4 May 2005.

Creditors and other persons having claims (to which section 63 of the Trustees Act 1962 relates) in respect of the estate of the deceased person are required by the deceased's representative, Keith Gordon Sorensen to send particulars of their claims to him at K. G. Sorensen, Barrister & Solicitor, Level 1, 16 Irwin Street, Perth WA 6000 within ONE (1) month of the date of publication hereof after which date the deceased's representative may convey or distribute the assets, having regard only to the claims of which he has then received notice.

K. G. SORENSEN.

ZX405***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 17th April 2006 after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Baxter, Marie Christine, late of Grandview Nursing Home 21 Aldwych Way Joondalup, died 08.01.2006, (DE19853822EM16)

Brown, Malcolm Havelock, late of 20 Finnan Street Cloverdale, died 08.02.2006, (DE33039825EM12)

Fox, Fay Mary, late of Agmaroy Nursing Home 115 Leach Highway Wilson, died 17.02.2006, (DE19853353EM26)

George, Clara Rose, late of Meekatharra District Hospital Savage Street Meekatharra, died 17.09.2005, (DE33047135EM17)

Holding, Genevieve Ann, late of 17 Kinninmont Avenue Nedlands, died 30.01.2006, (DE19910776EM26)

Hunt, Ivan John, late of 3/218 Daly Street Belmont, died 19.02.2006, (DE19951667EM27)

Hutchinson, Thomas Ruben, late of Windsor Park Aged Care 110 Star Street Carlisle formerly of 144 Westfield Road Kelmscott, died 28.02.2006, (DE33047126EM14)

Jenkins, Eileen Alice, late of 22 Freshwater Close Claremont, died 18.02.2006, (DE19983293EM313)

Lance, Ernest Keith, late of Royal Australian Air Force Memorial Estate Dean Lodge Bull Creek Drive Bull Creek formerly of Rowethorpe Nursing Home Hillview Terrace Bentley, died 05.01.2006, (DE19710496EM36)

Olden-Hatcher, Dorothy Tressie also known as Dorothy Tressie HATCHER, late of 27/10 Comer Street Como, died 24.01.2006, (DE19630983EM35)

Westerhuis, Maria, late of 83 Cockman Road Greenwood, died 19.02.2006, (DE19880099EM16)

JOHN SKINNER, Public Trustee,
Public Trust Office,
565 Hay Street,
Perth WA 6000.
Telephone: 9222 6777

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2006



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