



WESTERN
AUSTRALIAN
GOVERNMENT
Gazette

ISSN 1448-949X PRINT POST APPROVED PP665002/00041

171



PERTH, TUESDAY, 25 JANUARY 2011 No. 10

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 3.30 PM

© STATE OF WESTERN AUSTRALIA

CONTENTS

PART 1

	Page
Retail Trading Hours Act 1987—Retail Trading Hours (Motor Vehicle Shops) Variation Order 2011	173

PART 2

Deceased Estates	185
Justice	174
Local Government.....	174
Marine/Maritime	175
Minerals and Petroleum.....	176
Parliament	176
Planning.....	177
Racing, Gaming and Liquor	184

IMPORTANT COPYRIGHT NOTICE

© State of Western Australia

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

PUBLISHING DETAILS

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

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

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

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

Delivery address:

State Law Publisher

Ground Floor,

10 William St. Perth, 6000

Telephone: 9426 0000 Fax: 9321 7536

- Inquiries regarding publication of notices can be directed to the Editor on (08) 9426 0010.
- Lengthy or complicated notices should be forwarded early to allow for preparation. Failure to observe this request could result in the notice being held over.

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

GOVERNMENT GAZETTE

AUSTRALIA DAY HOLIDAY

COPY CLOSES TUESDAY 25 JANUARY 2011

Clients wishing to lodge copy for the *Government Gazette* published on Friday 28th January 2011 must lodge their copy by noon, Tuesday 25th January 2011.

— PART 1 —

CONSUMER PROTECTION

CP301*

Retail Trading Hours Act 1987

Retail Trading Hours (Motor Vehicle Shops) Variation Order 2011

Made by the Minister for Commerce under section 12E(1) of the Act.

1. Citation

This order is the *Retail Trading Hours (Motor Vehicle Shops) Variation Order 2011*.

2. Commencement

This order comes into operation as follows —

- (a) clauses 1 and 2 — on the day on which this order is published in the *Gazette*;
- (b) the rest of the order — on the day after that day.

3. Variation of retail trading hours for motor vehicle shops

The trading hours of all motor vehicle shops are varied by authorising those shops to be open on Thursday 27 January 2011 between 6 p.m. and 9 p.m., being a time when those shops would otherwise be required to be closed under section 12B(a) of the Act.

S. O'BRIEN, Minister for Commerce.

— PART 2 —

JUSTICE

JU401*

JUSTICES OF THE PEACE ACT 2004

APPOINTMENTS

It is hereby notified for public information that His Excellency the Governor in Executive Council has approved of the following to the Office of Justice of the Peace for the State of Western Australia—

Douglas Matthew Forrest of Cranbrook

Rex David Parsons of Jerramungup

MICHAEL JOHNSON, A/Executive Director,
Court and Tribunal Services.

LOCAL GOVERNMENT

LG401*

LOCAL GOVERNMENT ACT 1995

LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996

Shire of Brookton

Intent to Revest Land in the Crown for Non Payment of Rates or Service Charges

Notice is hereby given that under section 6.74 of the *Local Government Act 1995*, as rates or service charges have been unpaid for a period of at least three years the Shire of Brookton intends to have revested in the Crown the land listed below.

Signed for and on behalf of the Shire of Brookton this 19th day of January 2011.

G. A. CLARK, Chief Executive Officer.

Description of Land	Plan/Diagram Number	Title Number	Area m ²	Street Name	Description of Improvements	Name of Owner	Name of Others appearing to have an interest	Rates/Service Charges Outstanding
Lot 14	P85613	Vol 1179 Fol 83	1,012	Railway Terrace	Nil	Society Management Pty Ltd		\$0.00

MARINE/MARITIME

MA401***WESTERN AUSTRALIAN MARINE ACT 1982
NAVIGABLE WATERS REGULATIONS 1958**

PROHIBITED SWIMMING AREA

Town of Port Hedland

Port Hedland Harbour

Department of Transport,
Fremantle WA, 25 January 2011.

Acting pursuant to the powers conferred by Regulation 10A (b) of the *Navigable Waters Regulations 1958*, I hereby close all of the following waters to swimming, between 8.15pm and 9.45pm on Wednesday 26th January 2011.

Port Hedland: All the waters within a 200 metre radius around the firing barge; located in the Port Hedland Harbour at approximately 20° 18'16.82S, 118° 34'16.81E.

This area is set aside for safety measures during the set up and display of pyrotechnics.

DAVID HARROD FNI, General Manager,
Marine Safety, Department of Transport.**MA402*****WESTERN AUSTRALIAN MARINE ACT 1982
NAVIGABLE WATERS REGULATIONS 1958**

PROHIBITED SWIMMING AREA

Town of Carnarvon

Whitlock Island

Department of Transport,
Fremantle WA, 25 January 2011.

Acting pursuant to the powers conferred by Regulation 10A (b) of the *Navigable Waters Regulations 1958*, I hereby close all of the following waters to swimming, between 7:30pm and 9.15pm on Wednesday 26th January 2011.

Whitlock Island: All the waters within a 200 metre radius around the firing point; located on the north eastern tip of Whitlock Island, Carnarvon.

This area is set aside for safety measures during the set up and display of pyrotechnics.

DAVID HARROD FNI, General Manager,
Marine Safety, Department of Transport.**MA403*****WESTERN AUSTRALIAN MARINE ACT 1982
NAVIGABLE WATERS REGULATIONS 1958**

PROHIBITED SWIMMING AREA

Swan River

Heirisson Island

Department of Transport,
Fremantle WA, 25 January 2011.

Acting pursuant to the powers conferred by Regulation 10A (b) of the *Navigable Waters Regulations 1958*, I hereby close all of the following waters to swimming, between 9:30pm and 10:15pm on Tuesday 1st February 2011.

Heirisson Island: All the waters within a 200 meter radius of the firing point located on the northern shore of Heirisson Island opposite the Burswood Casino.

This area is set aside for safety measures during the set up and display of pyrotechnics.

DAVID HARROD FNI, General Manager,
Marine Safety, Department of Transport.

MA404*

WESTERN AUSTRALIAN MARINE ACT 1982
NAVIGABLE WATERS REGULATIONS 1958
PROHIBITED SWIMMING AREA
City of Fremantle
Southern Breakwater Groyne

Department of Transport,
Fremantle WA, 25 January 2011.

Acting pursuant to the powers conferred by Regulation 10A (b) of the *Navigable Waters Regulations 1958*, I hereby close all of the following waters to swimming, between 7:30pm and 8:45pm on Wednesday 26th January 2011.

Fremantle: All the waters within a 200 meter radius of the firing point located on the southern breakwater groyne, Fremantle at approximately 30° 03 55.18S, 115° 44 34.78E.

This area is set aside for safety measures during the set up and display of pyrotechnics.

DAVID HARROD FNI, General Manager,
Marine Safety, Department of Transport.

MINERALS AND PETROLEUM

MP401*

PETROLEUM AND GEOTHERMAL ENERGY RESOURCES ACT 1967
EXPIRY OF PETROLEUM EXPLORATION PERMIT EP 430

Petroleum Exploration Permit EP 430 held by Empire Oil Company (WA) Limited expired on 19 September 2010.

W. L. TINAPPLE, Executive Director,
Petroleum Division.

PARLIAMENT

PA401*

KEEPING AND WELFARE OF CATS AMENDMENT LOCAL LAW 2009

Shire of Capel

DISALLOWANCE OF LOCAL LAW

It is hereby notified for public information that the Legislative Council has disallowed the following Local Law made under the *Local Government Act 1995*—

The *Shire of Capel Keeping and Welfare of Cats Amendment Local Law 2009* published in the *Gazette* on 4 May 2010 and tabled in the Legislative Council on 18 May 2010.

Disallowance is effective on and from Thursday, 23 September 2010.

MALCOLM PEACOCK, Clerk of the Parliaments.

21 January 2011.

PA402*

STANDING ORDERS LOCAL LAW 2009

Shire of Koorda

DISALLOWANCE OF LOCAL LAW

It is hereby notified for public information that the Legislative Council has disallowed the following Local Law made under the *Local Government Act 1995*—

The *Shire of Koorda Standing Orders Local Law 2009* published in the *Gazette* on 6 August 2010 and tabled in the Legislative Council on 10 August 2010.

Disallowance is effective on and from Thursday, 23 September 2010.

MALCOLM PEACOCK, Clerk of the Parliaments.

21 January 2011.

PLANNING

PL401*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT
City of Bayswater
Town Planning Scheme No. 24—Amendment No. 43

Ref: TPS/0295

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the City of Bayswater local planning scheme amendment on 18 January 2011 for the purpose of—

1. Deleting the current information relating to Lot 26, Nos 465-469 Guildford Road, Bayswater and Lot 101, No. 497 Guildford Road, Bayswater contained in Appendix 3 Special Purpose Zones of Town Planning Scheme No. 24.
2. Inserting the following information in Appendix 3 Special Purpose Zones of Town Planning Scheme No. 24—

Street	Particulars of Land	Permitted Uses	Discretionary Uses
Lot 26, No. 465-469 Guildford Road, Bayswater Lot 101, No. 497 Guildford Road, Bayswater	Lot 26 Diagram No. D035697 Strata Plan No. S033992 Lot 101 Diagram No. D092749 Certificate of Title No. 0210700145	Shop Office Please Note— In this Schedule, a 'Liquor Store' is not permitted and a Liquor Store shall have the same meaning as detailed within the Liquor Control Act.	Lunch Bar Fast Food Outlet Consulting Rooms (Medical) Medical Centre Grouped Dwellings (R40) Multiple Dwellings (R40) Please Note— In this schedule, the total amount of GLA for the 'Fast Food Outlet' use(s) is limited as follows— Lot 26—250m ² ; and Lot 101—225m ²

T. G. KENYON JP, Mayor.
F. LEFANTE, Chief Executive Officer.

PL402*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT
Shire of Carnarvon
Town Planning Scheme No. 10—Amendment No. 58

Ref: TPS/0112

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the Shire of Carnarvon local planning scheme amendment on 18 January 2011 for the purpose of amending the Scheme Map by recoding Lot 1 Robinson Street, Carnarvon from "R12.5" to "R30" in accordance with the Scheme Amendment Map.

D. J. MASLEN, Shire President.
G. WILKS, Chief Executive Officer.

PL403*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT
Shire of Derby-West Kimberley
Town Planning Scheme No. 5—Amendment No. 14

Ref: TPS/0298

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the Shire of Derby-West Kimberley local planning scheme amendment on 18 January 2011 for the purpose of amending the Scheme Text

by amending 'Table 2: Zoning Table' by removing the 'X' classification symbol which is cross referenced against the 'Short-Stay Accommodation' land use within the 'Residential' zone and replacing with an 'SA' symbol in the column under the 'Residential' zone, as follows—

TABLE 2: ZONING TABLE

Type	Landuse	Zone											
		Town Centre (1)	Commercial	Residential	Settlement	Service Industry	Light Industry	General Industry	Special Use	Port Industry	Rural-Residential	Rural	Community Purposes
Commercial	Short-Stay Accommodation	SA	X	SA	Development to be consistent with adopted layout plan as required by Clause 5.5	X	X	X	Refer to Appendix 3	X	SA	SA	X

E. M. ARCHER, Shire President.
S. P. BURGE, Chief Executive Officer.

PL404*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT
Shire of Harvey
Town Planning Scheme No. 1—Amendment No. 74

Ref: TPS/0324

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the Shire of Harvey local planning scheme amendment on 18 January 2011 for the purpose of—

1. Rezoning portion of Lots 25 and 92 Herbert Road from "Intensive Farming" to "Special Rural" in accordance with the Scheme Amendment Map.
2. Rezoning Lot 120 Fryer Road from "Intensive Farming" to "Special Residential", "No Zone" and reserving a portion as "Recreation" in accordance with the Scheme Amendment Map.
3. Inserting additional provisions in Schedule 4—Additional Requirements—Special Rural Zone as follows—
 - 4.13 AREA 13—HERBERT ROAD, HARVEY (northern portions of Lots 25 and 92 Herbert Road, Harvey)
 - 4.13.1 Subdivision and development is to be in accordance with a Plan of Subdivision endorsed by the Shire of Harvey and the WAPC.
 - 4.13.2 A minimum street setback shall be 10m.

- 4.13.3 A minimum side and rear setback shall be 6m unless otherwise stipulated on subdivision plan.
- 4.13.4 Residential land uses and associated outbuildings shall be restricted to the area defined "building envelope" on the Plan of Subdivision.
- 4.13.5 Hobby farm activities shall be located at the rear of the building envelope.
- 4.13.6 Prior to any subdivision occurring, the existing dairy located upon Lot 120 is to cease operation and be decommissioned to the satisfaction of the Local Government.
- 4.13.7 A 70A Notification be placed on titles as follows—
"Portions of the lot are located within the Harvey WWT odour area. Under normal operating conditions there will be minimal odour emanating from the Plant. However, during maintenance and abnormal operating or weather conditions an increased level of odour may occur that will be a nuisance to persons located within the odour buffer area."
- 4.13.8 The Local Government will request that the WAPC impose a condition of subdivision requiring that, the subdivider amalgamate balance Lots 25 and 92.
- 4.13.9 Each lot shall be connected to a potable reticulated water supply.
- 4.13.10 Landowners shall make appropriate arrangements for the provision of on-site effluent disposal systems to the specifications and satisfaction of the Local Government.
- 4.13.11 The Local Government will request the WAPC to impose a condition of subdivision requiring that the subdivider install a Rural Water Supply point in each lot to the satisfaction of Harvey Water.
- 4.13.12 The subdivider will be required to upgrade Herbert Road. The standard of upgrading will be determined to the local government's satisfaction prior to subdivision.
- 4.13.13 No trees or substantial vegetation shall be felled or removed from the site except where—
(i) required for approved development works;
(ii) required to fulfil the provisions of an approved Fire Management Plan;
(iii) required by a Council fire break order; or
(iv) trees are dead, diseased or dangerous.
- 4.13.14 The Local Government will request that the WAPC impose a condition of subdivision requiring the preparation and implementation of a tree planting programme. Tree planting should be concentrated around the building envelope.
- 4.13.15 The Local Government will request that the WAPC impose a condition of subdivision requiring the implementation of an approved fire management plan to the satisfaction of the Local Government.
- 4.13.16 Fencing within the area shall retain the rural character of the area and the use of fibro cement, metal sheeting or wooden pickets for boundary fencing is prohibited.
4. Inserting additional provisions in Schedule 3—Additional Requirements—Special Residential Zone as follows—
- 3.13 AREA 12—FRYER ROAD, HARVEY
- 3.13.1 Subdivision and development is to be in accordance with a Structure Plan endorsed by the Shire of Harvey and the WAPC.
- 3.13.2 No further subdivision of the lots shown on the Plan of Subdivision shall be permitted.
- 3.13.3 Prior to any subdivision occurring, the existing dairy is to cease operation and be removed to the satisfaction of the Local Government.
- 3.13.4 The subdivider will be required, as a condition of subdivision, to implement a Fire Management Plan as endorsed by Fire and Emergency Services of Western Australia.
- 3.13.5 The subdivider will be required to upgrade Fryer Road. The standard of upgrading will be determined to the Local Government's satisfaction prior to subdivision.
- 3.13.6 A condition of subdivision approval will require a notification to be placed on title under Section 70A of the Transfer of Land Act to notify purchasers that the subject land is located adjacent to rural land and rural activity may have a nuisance effect on amenity.
- 3.13.7 The subdivider is to submit, together with any subdivision application, a 'Sustainability Implementation Report', which details the targets and method of delivery in respect to 'sustainability outcomes' including—
- on-site power generation;
 - on-site water capture and re-use;

- re-use of grey water; and
- correct housing orientation for passive heating and cooling.

A condition of subdivision may be imposed in order to achieve implementation of the agreed outcomes.

- 3.13.8 The subdivider will be required, as a condition of subdivision, to prepare and implement a landscape plan for the area of proposed POS. The plan will outline landscaping measures to be undertaken to reduce any potential nuisance effect from nearby rural properties.
- 3.13.9 Residential dwellings are to be located in accordance with a building envelope/setback plan prepared by the subdivider and endorsed by the Local Government. The plan is to ensure maximum setback distances are provided to nearby rural properties.
- 3.13.10 The subdivider will be requested as a condition of subdivision to suitably locate the existing rural drain infrastructure to the satisfaction of the Water Corporation.
- 3.13.11 The subdivider will be requested as a condition of subdivision to provide the lots with a connection to the reticulated sewerage service where necessary.

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

PL405*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT
Shire of Kalamunda
Local Planning Scheme No. 3—Amendment No. 30

Ref: TPS/0446

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the Shire of Kalamunda local planning scheme amendment on 18 January 2011 for the purpose of—

1. Deleting the following clauses—
 - 5.10.2 Land Use and Development
 - (ii) Planning approval is required for all developments including a dwelling house and outbuildings.
 - (iii) No building shall be constructed unless the external materials shall be of colour and material as approved by the local government.
 - 5.14.2 Land Use and Development
 - (i) Planning approval is required for all developments including a dwelling house and outbuildings.
 - (ii) No building shall be constructed unless the external materials shall be of colour and texture as approved by the local government.
2. The remaining clauses be renumbered accordingly.

D. McKECHNIE, Shire President.
J. TRAIL, Chief Executive.

PL406*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT
Town of Port Hedland
Town Planning Scheme No. 5—Amendment No. 27

Ref: TPS/0322

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the Town of Port Hedland local planning scheme amendment on 18 January 2011 for the purpose of—

1. Rezoning Lot 5867 Wedge Street from the current zone “Industry” to “Town Centre” excluding the use and/or development as indicated in Appendix 11 of the scheme.

2. Including Appendix 11 in the scheme text to read as follows—

APPENDIX 11—TOWN CENTRE ZONE NON-PERMITTED USE AND DEVELOPMENT

No.	Description of Land	Conditions
1	Lot 5867 Wedge Street, Port Hedland	<ul style="list-style-type: none"> - Aged or Dependent Persons Dwelling, - Caretakers Dwelling, - Grouped Dwelling, - Home Occupation, - Multiple Dwelling, - Residential Building, and - Single House

3. Amending the Scheme Map accordingly.

K. HOWLETT, Mayor.
C. ADAMS, Chief Executive Officer.

PL407*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT
Shire of Shark Bay
Local Planning Scheme No. 3—Amendment No. 2

Ref: TPS/0161

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the Shire of Shark Bay local planning scheme amendment on 18 January 2011 for the purpose of—

1. Modifying 'Schedule 4—Special Use zone' in the scheme text to expand the permissible uses and conditions applicable to Part North Loc 59 Denham-Hamelin Road, Denham as follows—

No.	Description of Land	Special Use	Conditions
4.	Part North Loc 59 Denham-Hamelin Road, Denham	<p>Council has the discretion to consider the following uses;</p> <ul style="list-style-type: none"> • Carpark • Garden Centre • Hire Service • Industry—Service • Motor vehicle, boat or caravan sales • Motor vehicle repair • Office • Restaurant • Showroom • Service Station • Convenience Store • Motor Vehicle Wash (car and boat wash) • Laundrobar 	<p><u>Objectives</u></p> <ul style="list-style-type: none"> - To ensure that any development is compatible with the Town Centre and surrounding zoning. - To provide for a wide range of compatible landuses and encourage opportunities for mixed use development. - To encourage development of an attractive place to work and conduct business. - To promote a high standard of development including buildings, landscaping and carparking. - To ensure that all development presents a visually attractive appearance to Monkey Mia Road as a main gateway into the Denham Townsite. <p><u>Conditions</u></p> <ul style="list-style-type: none"> • Any development is to have quality building facades fronting Shark Bay Road and Monkey Mia Road. • The layout of carparking areas shall be designed with high regard for traffic circulation between developments on the same lot, and shall be integrated to allow for good on site traffic management and flow. • Development shall be setback from Shark Bay Road and Monkey Mia Road intersection to the satisfaction of the local government.

No.	Description of Land	Special Use	Conditions
			<ul style="list-style-type: none"> • The boundary of the site abutting the Cemetery Reserve No. 8886 shall be landscaped to the satisfaction of the local government. • Council may require lodgement of a landscaping plan as a condition of any development. • Council shall only consider 'motor vehicle repair' as a stand-alone development where— <ul style="list-style-type: none"> (i) the building is of a high quality with adequate on site carparking and landscaping to the satisfaction of Council; and; (ii) the use is confined to those activities as defined in the 'motor vehicle repair' landuse definition in Schedule I of the Scheme with car servicing as a predominant activity; and; (iii) The use shall not include any motor vehicle wrecking (which is defined separately in the Scheme) dismantling of vehicles, or storage of any car bodies on site; and (iv) Any external storage shall be confined to the side or rear of a building and must be adequately screened from public view to the satisfaction of Council; and (v) The workshop floorspace within Special Use 4 shall be limited to a maximum area of 300m² (excluding office and amenities) to the satisfaction of Council. • In determining any application, Council will have regard for the objectives listed for this site.

2. Modifying '3. Landuse Definitions' under 'Schedule 1: Dictionary of Defined Words and Expressions (Cl 1.7)' to—

- (i) Remove the existing landuse definitions for 'retirement village' and 'roadhouse' currently listed below the existing 'showroom' definition.
- (ii) Insert the existing landuse definitions for 'retirement village' and 'roadhouse' after the 'restricted premises' definition (so the definitions are in alphabetical order).

C. COWELL, Shire President.
K. J. MATTHEWS, Chief Executive Officer.

PL408*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT
Town of Victoria Park
Town Planning Scheme No. 1—Amendment No. 48

Ref: TPS/0243

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the Town of Victoria Park local planning scheme amendment on 18 January 2011 for the purpose of—

1. Modifying the 'Zoning Table' under Clause 15 of the Scheme Text by replacing the notation 'X/AA4' for Restricted Premises within the District Centre zone and Commercial zone with

the notation 'X/AA5', and replacing the notation '4' associated with the second Footnote 4 with the notation '5' to read—

5. The "Discretionary Use" notation only applies to the Albany Highway Gateway Commercial zone and the East Victoria Park Gateway Shopping Area District Centre zone located within Precinct P11—Albany Highway Precinct, and the Commercial zone located within Precinct P4—McCallum Precinct.
2. Modifying the 'Zoning Table' under Clause 15 of the Scheme Text by deleting the use class 'Lodging House'.
3. Modifying Clause 23 of the Scheme Text by deleting sub-clauses (2) and (3) and renumbering sub-clause (4) to (2).
4. Modifying Clause 38 of the Scheme Text by deleting the existing text under sub-clause (1) and replacing with the following—
 - (1) In this clause—
 - (a) an application which does not comply with a standard or requirement of this Scheme (including a standard or requirement set out in a planning policy or in the relevant Precinct Plan), where that standard or requirement does not provide for variation, is called a "non-complying application";
 - (b) an application involving a prohibited use, and an application for residential development in a Residential zone, are not non-complying applications for the purpose of item (a) of this subclause (1); and
 - (c) in the case of development in a Non-Residential zone, notwithstanding that a relevant standard or requirement may provide for variation, an application for such development is to be treated as, and shall be considered always to have been, a non-complying application so as to attract the discretion in this clause 38.
5. Modifying Clause 43 (1)(b) and 2(d) of the Scheme Text by deleting the words "within that period of 60 days" and "within that period of 90 days" respectively, such that Clause 43 reads as follows—
 - (1) Subject to subclauses (2) and (3), an application is taken to have been refused where notice of planning approval is not given to the applicant by the Council within—
 - (a) 60 days of the receipt of the application; or
 - (b) such further time as may be agreed in writing between the applicant and the Council.
 - (2) subject to subclause (3), an application in respect of any place which—
 - (a) is listed in the Register of Places of Cultural Heritage Significance; or
 - (b) is being considered, under clause 25 or 26, for the purposes of being declared to be significant and worthy of conservation,
 is taken to have been refused where notice of planning approval is not given to the applicant within—
 - (c) 90 days of the receipt of the application; or
 - (d) such further time as may be agreed in writing between the applicant and the Council.
 - (3) Nothing in this clause prevents the Council from making a decision about an application after the expiry of the periods referred to in subclauses (1) and (2).
6. Modifying Schedule 1—Definitions of the Scheme Text by deleting the definition of "lodging house" and the associated "Note".
7. Modifying Schedule 1—Definitions of the Scheme text by inserting definitions of "permanently" and "temporarily" as follows—

"permanently", in relation to the term used in the land use definition of 'residential building' means six months or more.

'temporarily', in relation to the term used in the land use definition of 'residential building' means less than six months.
8. Modifying Schedule 5—Notice of Council Decision, contained in the Scheme Text by replacing the words "TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED)" with the words "PLANNING AND DEVELOPMENT ACT 2005".
9. Modifying Policy 4.14 'Development Standards for Causeway Precinct' contained in the Town Planning Scheme No. 1 Policy Manual, by replacing the word "speaking" with "parking" in c) Area 3 Parkside Residential, (ii) Land Use, dot point 3.
10. Modifying Policy 4.14 'Development Standards for Causeway Precinct' contained in the Town Planning Scheme No. 1 Policy Manual, by deleting the provisions under roman numeral (ii) Lot size and development controls for i) Area 9 Shepperton Streetscape Overlay, and including the following words—

The provisions of the relevant Area apply—either Area 2 Asquith St Mixed Use or Area 7 Commercial Core to development, with the exception that for lots abutting Shepperton Road that are less than 2500m² in area, plot ratio is limited to 1. If lots abutting Shepperton Road are amalgamated with lots to the north so that the lot size is a minimum of 2500m² then the plot ratio provisions of the relevant Area apply—either Area 2 Asquith St Mixed Use or Area 7 Commercial Core.

11. Modifying Policy 5.1 'Parking and Access Policy' contained in the Town Planning Scheme No. 1 Policy Manual, by deleting the words "or part thereof" under Clause 5.1.6.2 in relation to the parking requirements for 'Showroom' and 'Warehouse/Industry'.

T. VAUGHAN, Mayor.
A. KYRON, Chief Executive Officer.

PL502*

PLANNING AND DEVELOPMENT ACT 2005
METROPOLITAN REGION SCHEME MAJOR AMENDMENT 1202/41
CANNING RIVER PRECINCT KELMSCOTT
Call for Public Submissions

The Western Australian Planning Commission (WAPC) intends to amend the Metropolitan Region Scheme (MRS) for land in the local government of Armadale and is seeking public comment.

The amendment seeks to transfer approximately 33.23 ha of rural zoned land to the urban zone in the Metropolitan Region Scheme (MRS) generally bounded by Clifton Street, Turner Place/Brookside Avenue, Pries Place, Saddlers Retreat, River Road and Orlando/Martin Streets in Kelmscott.

The proposed urban zoning will allow for residential subdivision of the land following a local scheme amendment, detailed structure planning and subdivision approval. This will increase population in the area and support the development of the Kelmscott town centre and use of rail infrastructure.

Display locations

The plans showing the proposed change and the WAPC's amendment report which explains the proposal, will be available for public inspection, free of charge from Tuesday 25 January 2011 to Friday 29 April 2011 at—

- Western Australian Planning Commission, 469 Wellington Street, Perth
- J S Battye Library, Level 3 Alexander Library Building, Perth Cultural Centre
- City of Perth
- City of Fremantle
- City of Armadale
- City of Gosnells

Documents are also available from the PlanningWA website www.planning.wa.gov.au.

Submissions

Any person who desires to make a submission to support, object or provide comment on any part of the proposed amendment should do so on a form 41. This submission form is available from the display locations, the amendment report and the internet.

Submissions must be lodged with the: Secretary, Western Australian Planning Commission, 469 Wellington Street, Perth WA 6000; on or before 5 pm **Friday 29 April 2011**.

Late submissions will not be considered.

TONY EVANS, Secretary,
Western Australian Planning Commission.

RACING, GAMING AND LIQUOR

RA401*

LIQUOR CONTROL ACT 1988
LIQUOR APPLICATIONS

The following is a summary of applications received under the *Liquor Control Act 1988 (the Act)* 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, 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			
13832	Nannup Sports and Recreation Association Inc	Application for the grant of a club licence in respect of the premises situated in Nannup and known as Nannup Sports and Recreation Association Inc	03/03/2011
13781	Jun Chul Seo	Application for the grant of a liquor store licence in respect of the premises situated in Victoria Park and known as Hi-Mart Victoria Park	14/02/2011
APPLICATIONS FOR THE REMOVAL OF A LICENCE			
360858	Liquor Barons Falcon	Application for the Removal of a liquor store licence in respect of premises currently situated at lots 48-50 on the corner of Olive Rd and Old Coast Rd Mandurah to premises situated at 6 Olive Rd Falcon.	19/01/2011

This notice is published under section 67(5) of the Act.

Dated: 21 January 2011.

B. A. SARGEANT, Director of Liquor Licensing.

DECEASED ESTATES

ZX401

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Notice to creditors and claimants in the Estate of Peter Karo Russell, Late of 328B The Strand, Dianella, WA. Who died on 25th March 2010 are required to send their claims to the Administrator Mary Martin at 23 Cassandra Crescent, Urangan, Hervey Bay QLD. Within 30 days after which the Administrator may convey or distribute the assets having regard only to the claims of which notice has been given.

ZX402

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Ruphina Moir, late of Southern Cross Nursing Home, 1 Croesus Street, Kalgoorlie, Western Australia, home duties, deceased.

Creditors and other persons having claims (to which section 63 of the *Trustees Act 1962*, relates) in respect of the estate of the deceased, who died on the 10 September 2010 are required by the trustee Frances Wakeham of care of Birman & Ride Lawyers of Irwin Chambers, Level 3, 16 Irwin Street, Perth, WA, 6000 to send particulars of their claims to them by the date one month from the publication date, after which date the trustee may convey or distribute the assets, having regard only to the claims of which she then has notice.

Order your Bound Volumes of Government Gazette 2011

An attractively presented set of
4 Bound Volumes of Government Gazette

For Government Departments and private firms who require bound copies of Government Gazettes, the State Law Publisher offers a subscription covering 4 Quarterly Volumes at a cost of \$1,252.00.

The Gazettes will be bound in black cloth with gold foil lettering on the spine and can be personalised by the addition of the client's name in gold lettering on the front cover if required.

PLEASE NOTE

On the rare occasion where extra gazettes are published in one quarter, a fifth volume may be required. In this instance the extra cost involved will be borne by the State Law Publisher and not passed on to clients.

For further information please contact:

State Law Publisher

Telephone: 9426 0000