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GOVERNMENT
Gazette**

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EFFECTIVE FROM 1 JULY 2004 (Prices include GST).

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

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Per Column Centimetre—\$10.45

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PUBLISHING ALTERATIONS

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

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

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

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

JOHN A. STRIJK, Government Printer.

— PART 1 —

PROCLAMATIONS

AA101*

MARKETING OF EGGS AMENDMENT ACT 2004

20 of 2004

PROCLAMATION

WESTERN AUSTRALIA
John Sanderson,
Governor.
[L.S.]} By His Excellency Lieutenant General John Murray
Sanderson, Companion of the Order of Australia,
Governor of the State of Western Australia.

I, the Governor, acting under section 2(1) of the *Marketing of Eggs Amendment Act 2004*, and with the advice and consent of the Executive Council, fix the day after the day on which this proclamation is published in the *Government Gazette* as the day on which the provisions of that Act, other than sections 6, 7, 8, 9 and 10, come into operation.

Given under my hand and the Public Seal of the State on 29 September 2004.

By Command of the Governor,

KIM CHANCE, Minister for Agriculture,
Forestry and Fisheries.

GOD SAVE THE QUEEN !

CONSUMER AND EMPLOYMENT PROTECTION

CE301*

Construction Industry Portable Paid Long Service Leave Act 1985

Construction Industry Portable Paid Long Service Leave Amendment Regulations (No. 2) 2004

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Construction Industry Portable Paid Long Service Leave Amendment Regulations (No. 2) 2004*.

2. Commencement

These regulations come into operation on 1 January 2005.

3. The regulations amended

The amendments in these regulations are to the *Construction Industry Portable Paid Long Service Leave Regulations 1986**.

[* *Reprint 2 as at 3 January 2003.*

For amendments to 16 September 2004 see Gazette 20 February 2004.]

4. Regulation 8 amended

Regulation 8 is amended by deleting “0.05%” and inserting instead —

“ 1% ”.

By Command of the Governor,

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

ENVIRONMENT

EV301*

Environmental Protection Act 1986

**Environmental Protection Amendment
Regulations (No. 3) 2004**

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Environmental Protection Amendment Regulations (No. 3) 2004*.

2. The regulations amended

The amendment in these regulations is to the *Environmental Protection Regulations 1987**.

[* Reprinted as at 29 November 2002.
For amendments to 25 August 2004 see *Western Australian Legislation Information Tables for 2003, Table 4, p. 96, and Gazette 12 March, 22 June and 1 July 2004.*]

3. Regulation 4 amended

Regulation 4(5) is amended by inserting after “5C,” —
“ 5CB, ”.

By Command of the Governor,

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

LOCAL GOVERNMENT

LG301*

LOCAL GOVERNMENT ACT 1995

Town of East Fremantle

**REPEAL OF BY-LAWS RELATING TO ADVERTISING DEVICES,
HOARDINGS AND BILLPOSTING**

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Town of East Fremantle resolved on the 6 April 2004 to repeal—

By-laws relating to Signs, Hoardings and Billpostings—Draft Model No 13 as published in the *Government Gazette* on 4 March 1977; and

By-laws relating to Advertising Devices, Hoardings and Billpostings as published in the *Government Gazette* on 7 August 1987.

Dated: 6 October 2004.

The Common Seal of the Town of East Fremantle was affixed by authority of a resolution of the Council in the presence of—

JAMES O'NEILL, Mayor.
STUART WEARNE, Chief Executive Officer.

TRANSPORT

TR301*

Government Railways Act 1904

Government Railways (Appeal Board) Amendment Regulations 2004

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Government Railways (Appeal Board) Amendment Regulations 2004*.

2. The regulations amended

The amendments in these regulations are to the *Government Railways (Appeal Board) Regulations 1965**.

[* *Published in Gazette 1 August 1965, p. 2562-70.*

For amendments to 17 August 2004 see Western Australian Legislation Information Tables for 2002, Table 4, p. 157.]

3. Heading deleted

The heading immediately below regulation 1, which reads “Arrangement.”, is deleted.

4. Regulation 4 amended

Regulation 4 is amended by deleting the definition of “Commission”.

5. Regulation 31 amended

Regulation 31 is amended by deleting “Commissioner of Railways” and inserting instead —

“ chief executive officer ”.

6. Regulation 35 amended

Regulation 35(2) is amended by deleting “departmental”.

7. Schedule amended

(1) Schedule Form A is amended as follows:

(a) by deleting “COMMISSIONER OF RAILWAYS” and inserting instead —

“

CHIEF EXECUTIVE OFFICER,
PUBLIC TRANSPORT AUTHORITY

”;

(b) by deleting “Western Australian Government Railways Commission” and inserting instead —

“ Public Transport Authority of Western Australia ”;

(c) by deleting “in the department” and inserting instead —

“ with the Authority ”;

(d) by deleting “three months” and inserting instead —

“ 6 months ”.

(2) Schedule Forms B and C are amended as follows:

(a) by deleting “Western Australian Government Railways Commission” in both places where it occurs and inserting instead —

“ Public Transport Authority of Western Australia ”;

- (b) by deleting “Commission” in the second place where it occurs and inserting instead —
“ Authority ”.
- (3) Schedule Form D is amended by deleting “Western Australian Government Railways Commission” and inserting instead —
“ Public Transport Authority of Western Australia ”.
- (4) Schedule Form E is amended by deleting “Commission” and inserting instead —
“ Authority ”.
- (5) Schedule Forms A, B, C, D, E and F are amended as follows:
(a) by deleting “(as amended).”;
- (b) by deleting “19” in each place where it occurs and inserting instead —
“ 20 ”.

8. Various references to “Commission” changed to “Authority”

Each provision listed in the Table to this subregulation is amended by deleting “Commission” in each place where it occurs and inserting instead —

“ Authority ”.

Table

| | |
|------------------|---------------------|
| r. 31 | r. 34(2) |
| r. 32(1) and (3) | r. 35(1) |
| r. 32A | r. 36(1)(a) and (b) |
| r. 32C | r. 37 |

By Command of the Governor,

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

— PART 2 —

CONSUMER AND EMPLOYMENT PROTECTION

CE401

COMPANIES (CO-OPERATIVE) ACT 1943

SECTION 403

Registration of Auditors

Notice is hereby given that the following person is registered as qualified to act as an auditor pursuant to s402 of the Act with effect from 6th October 2004.

Jeffrey Raymond Nolan

PATRICK WALKER, Commissioner for Fair Trading.

JUSTICE

JU401*

JUSTICES ACT 1902

APPOINTMENTS

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

Mr Geoffrey Allan Sabourne of 45 Absolon Street, Lake Grace

Mr Richard Douglas Marris of 'Miway Farm' Gentle Road, Grass Valley

Mrs Amanda Iris Milton of Lot 103 Blackbutt Way, Lake Grace

RAY WARNES, A/Executive Director,
Court Services.

LOCAL GOVERNMENT

LG401*

BUSH FIRES ACT 1954*Town of Narrogin*

Appointment of Bush Fire Control Officers

This notice issued in accordance with section 38(2) a of the *Bush Fires Act 1954* serves to confirm the appointment of the following people as fire control officers for the Town of Narrogin.

Simon James Gannaway

Chief Bush Fire Control Officer

Daniel John Turner

Deputy Bush Fire Control Officer

Darryle Thomas Baxter

Bush Fire Control Officer

Resolved by Council 25 September 2001.

GARY O'NEIL, Chief Executive Officer,
Town of Narrogin.

LG501*

BUSH FIRES ACT 1954*Town of Narrogin***FIREBREAK ORDER**

Notice to all owners and/or occupiers of land within the municipality of the Town of Narrogin

Pursuant to the powers contained in Section 33 of the above Act, you are hereby required, on or before 1 November 2004 or within fourteen (14) days of you becoming the owner or occupier should this be after 1 November 2004, to clear firebreaks in accordance with the following and thereafter to maintain the firebreaks clear of flammable material up to and including 31 March 2005.

1. Where the area of land is 4050 square metres or less in area all flammable material on the land shall be removed by burning, close mowing, cultivation, grubbing or approved spraying.
2. Where the area of land exceeds 4050 square metres in area a firebreak corridor, at least 3.0 metres wide and 4.0 metres tall, shall be cleared of all flammable material inside all external boundaries of the land and also surrounding all buildings situated on the land by burning, cultivation or approved spraying.

If it is considered to be impracticable to clear firebreaks as required by this notice, you may apply to the Council or its duly authorised officer, not later than 20 November 2004 for permission to take alternative action to abate fire hazards on the land. If permission is not granted by the Council or its duly authorised officer, you shall comply with the requirements of this notice.

Council's authorised officer is the Chief Bush Fire Control Officer—

Simon Gannaway
 Mobile: 0408 915 232
 Work: 9881 1944
 Fax: 9881 3092
 Email: simon@narrogin.wa.gov.au

The penalty for failure to comply with this notice is a fine of \$250 by infringement notice or a maximum of \$5,000 by prosecution and a person in default is also liable, whether prosecuted or not, to pay the costs of performing the work directed if not completed by the date required by this notice.

If the requirements of this notice are carried out by burning, such burning must be in accordance with Section 18 of the Bush Fires Act. Permits may be obtained from the Chief Bush Fire Control Officer.

For Information

The prohibited burning and restricted burning dates for the Town of Narrogin are as follows.

| | | | | |
|--------------------|-------------------|----|------------------|-------------|
| Restricted Burning | 19 September 2004 | to | 31 October 2004 | (inclusive) |
| | 15 February 2005 | to | 31 May 2005 | (inclusive) |
| Prohibited Burning | 1 November 2004 | to | 14 February 2005 | (inclusive) |

These dates may be varied by fourteen (14) days by the Council if conditions warrant. (Refer Public Notices – “Narrogin Observer” newspaper.)

GARY O'NEIL, Chief Executive Officer.

LG502*

BUSH FIRES ACT 1954*Shire of Coorow*

NOTICE TO ALL OWNERS AND OCCUPIERS OF LAND WITHIN THE SHIRE OF COOROW

FIREBREAKS:

Pursuant to the powers in Section 33 of the Bush Fires Act, you are hereby required on or before 31 OCTOBER 2004 to plough, scarify, cultivate or otherwise clear and thereafter keep clear of all inflammable material until 29 MARCH 2005 firebreaks (of not less than two (2) metres in width) in the following dimensions on the land owned or occupied by you—

1. RURAL LAND

Firebreaks of not less than two (2) metres in width immediately inside and along the whole of the external boundaries of the property or properties owned or occupied by you. In addition, where buildings or haystacks are situated on the property, additional firebreaks not less than 3.5 metres in width must be provided within 100 metres of the perimeter of such buildings or haystacks, in such manner as to completely encircle the buildings, haystacks or fuel pumps.

Where the land is in the WARRADARGE BUSHFIRE BRIGADE AREA, the firebreak is to be twenty (20) metres wide around scrub areas that is to be burnt.

2. TOWNSITES

Coorow, Leeman and Green Head, all townsites must be cleared and kept clear of all accumulation of inflammable materials. (For the purpose of this notice, trees, shrubs and plants in established gardens do not constitute inflammable material).

3. FUEL DUMPS AND/OR DEPOTS

All grass and inflammable material is to be cleared from areas where fuel is stored and such areas are to be maintained free of grass and similar inflammable material until 29 MARCH 2005.

HARVESTING AND STRAW RAKING, BALING AND CHAINING OPERATIONS

A person shall not operate any harvesting machine or header or undertake straw raking, baling or chaining activities in any crop or paddock during the restricted and prohibited period unless a readily mobile firefighting unit containing a minimum of 400 litres of water capacity powered by an engine driven pump is in attendance in or adjacent to the entrance of the paddock being harvested, raked, baled or chained.

GENERAL PROVISIONS

The term "*Inflammable Material*" for the purpose of this notice includes bush (as defined in the Bush Fires Act 1954), timber, boxes, cartons, paper, and the like inflammable materials, rubbish and any combustible matter, but does not include buildings, green standing trees and bushes or growing bushes or plants in gardens or lawns.

If it is considered to be impractical for any reason to provide firebreaks in the position or adhere to the provisions required by this notice, the written approval of a Bush Fire Control Officer must be obtained to prepare such firebreaks in an alternative position.

If permission is not granted by a duly authorised officer you shall comply with the requirements of this order.

A "*Total Movement Ban*" includes the movement of vehicles in paddocks, except vehicles carrying water to stock and inspecting water supplies to stock.

Harvesting is not permitted on Christmas Day and New Years Day. Harvesting is permitted on all Sundays and other Public Holidays except where a harvesting or movement of vehicles ban has been imposed due to extreme weather conditions.

The penalty for failing to comply with this order is a fine of not more than one thousand dollars (\$1,000) and a person in default is also liable, whether prosecuted or not, to pay the cost of performing the work directed by this notice, if it is not carried out by the owner or occupier by the date required by this notice.

Council may, in default of compliance with this Order, enter upon the land and perform the requisite works and the owner or occupier shall be responsible for the costs of performing such works.

RESTRICTED BURNING PERIODS—

COASTAL PORTION: (From Coast East to Mudge-Willcocks Road)

19 September 2004 to 31 October 2004

15 February 2005 to 29 March 2005

DISTRICT GENERALLY: (Remainder)

16 September 2004 to 14 October 2004

15 February 2005 to 29 March 2005

PROHIBITED BURNING PERIOD—

COASTAL PORTION: (From Coast East to Mudge-Willcocks Road)

1 November 2004 to 14 February 2005

DISTRICT GENERALLY: (Remainder)

15 October 2004 to 14 February 2005

Fire Control Officers—

| | |
|---|---|
| Chief Bush Fire Control Officer | John Browne |
| Deputy Chief Bush Fire Control Officer (West) | Jay Wann |
| Deputy Chief Bush Fire Control Officer (East) | Kelvin Bean |
| Harvest Ban Officer—Western Sector | James Raffan, Ian Falconer |
| Harvest Ban Officer—Eastern Sector | Kelvin Bean, Ian Hunt |
| Special Permit Clover Burning Officers | Ian Falconer |
| Fire Control Officers | Peter Gillis, Gary Sherry, Ian Hunt, Barry Fowler, Jim Scott, Geoff Hortin, Doug Van Bavel, Jay Wann, Danny Johns, Simon Brockman and Alistair Adams. |

All other appointments are cancelled.

G. A. SHERRY, Chief Executive Officer.

MINERALS AND PETROLEUM

MP401*

PETROLEUM PIPELINES ACT 1969 GRANT OF PIPELINE LICENCE

Pipeline Licence No. PL64 was granted to Arc Energy Limited and Origin Energy Development Pty to have effect for a period of 21 years from 5 October 2004.

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

PLANNING AND INFRASTRUCTURE

PI401*

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

District Planning Scheme No. 2—Amendment No. 354

Ref.: 853/2/20/34 Pt 354

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 District Planning Scheme Amendment on 21 September 2004 for the purpose of amending the Scheme Map to exclude the suburb of Maylands and section of Mt Lawley transferred from the City of Stirling to the City of Bayswater by the Minister for Local Government on 1 July 1998.

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

PI402*

TOWN PLANNING AND DEVELOPMENT ACT 1928 ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT *Town of Victoria Park*

Town Planning Scheme No. 1—Amendment No. 25

Ref: 853/2/32/2 Pt 25

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Minister for Planning and Infrastructure approved the Town of Victoria Park Town Planning Scheme Amendment on 4 October 2004 for the purpose of—

1. Amending Town Planning Scheme No 1—Policy Manual by including a new policy 4.12 following existing Policy 4.11 ‘Satellite Dishes’.

The new policy 4.12 to be ‘Design Guidelines for Developments with Buildings above 3 Storeys’ and to read as follows—

“4.12 DESIGN GUIDELINES FOR DEVELOPMENTS WITH BUILDINGS ABOVE 3 STOREYS.

4.12.1 INTRODUCTION

(a) Purpose and Scope

These Design Guidelines set the planning and design framework for any development incorporating buildings above 3 storeys or 11.5 metres in height (whichever is the lesser).

The Design Guidelines apply to all forms of development including residential, commercial and mixed use developments throughout the Town of Victoria Park.

The Design Guidelines seek high quality designs that respond sensitively to their context and respect current and/or future desired character of the area. A performance approach is taken in the Design Guidelines where the emphasis is upon requiring the design to ‘perform’ by satisfying desired outcomes rather than by meeting a fixed set of standards.

(b) Objectives

The primary aim of the Design Guidelines is to facilitate appropriate design responses where there are pressures for more intensive development within the Town of Victoria Park.

To achieve this the Design Guidelines seek to—

- i. Optimise development potential of properties in appropriate locations as recommended in the Town's Urban Design Study;
- ii. Optimise the attractiveness of the Town for quality residential, commercial and mixed use development;
- iii. Contribute to business and economic activity by creating new opportunities for a broader range of businesses to locate in the Town through facilitating larger and higher quality office accommodation integrated with residential and retail development;
- iv. Create new opportunities for diverse residential types and lifestyles close to excellent public transport facilities;
- v. Achieve buildings that respond appropriately to the Town's statements of desired future character for any given area, whether these statements call for enhancement of existing character and/or recognition of the heritage of an area, or for the transition to a different character;
- vi. Create appropriately scaled and designed buildings which contribute to the Town;
- vii. Maintain and enhance the spatial qualities and social amenity of the streets, open spaces and parks in the Town ;
- viii. Contribute to enlivening the street life of the Town through enhancing the viability of quality retail, restaurants and cafes; and
- ix. Promote ecologically sustainable development that will limit natural resource usage and reduce greenhouse gas emissions.

(c) Relationship to Other Relevant Documents

The Design Guidelines provide a generic set of design criteria to be applied to all sites within the Town. They are to be read in conjunction with a number of other relevant documents that provide additional information and/or design controls, often at a more locality or site specific level.

Relevant documents include—

Town of Victoria Park, Town Planning Scheme Scheme Text

Includes general objectives, zonings, classification of uses, application of the R Codes, the application process and relevant matters in the assessment of applications.

Town of Victoria Park, Town Planning Scheme Policy Manual Includes provisions relating to car parking and access and a range of design guidelines and policy controls, some of which have general application and others which are specific to defined localities.

Town of Victoria Park, Town Planning Scheme Precinct Plans

Includes the intent and objectives for the precinct and specify the permissibility of land uses and development controls such as setbacks, height limits, plot ratio and density.

Residential Planning Codes of Western Australia (R Codes)

Outlines the provisions relating to all residential development including density, setbacks, plot ratio, car parking. The provisions of the Town Planning Scheme and these Guidelines prevail where there is an inconsistency with the R Codes.

Council Policies

Usually adopted as an interim step while the Town Planning Scheme is amended to reflect the matters contained in the particular policy. Policies may have general application to development or may be specific to a locality.

Town of Victoria Park Municipal Heritage Inventory

Lists all of the places classified by Council as having heritage value and states what implications this has for development of the site.

Planning Studies Adopted or Approved by Council

Includes the Town of Victoria Park Urban Design Study approved by Council in December 2000 and various Structure Plans for specific localities. The Council is to have regard to the matters included in these studies, which may cover guidelines, development standards or statements of future desired character for sites or localities.

Building Code of Australia and Relevant Australian Standards

Includes a range of specific provisions which impact on building design and site layout including disability access requirements, acoustic performance and fire protection. National energy efficiency measures are proposed for the BCA.

3.14.2 USING THE DESIGN GUIDELINES

(a) A Performance Approach

These Design Guidelines adopt a performance approach in an effort to achieve a higher standard of development. The approach differs from the traditional prescriptive approach and is intended to provide opportunities for flexibility and innovation. The emphasis is upon satisfying the intent of the Design Guidelines rather than meeting fixed prescriptive standards that may not reflect particular site circumstances.

(b) Design Elements

The Design Guidelines group design aspects into ten design elements—

- i. Site Planning
- ii. Streetscape
- iii. Building Appearance and Neighbourhood Character
- iv. Private Open Space
- v. Communal Open Space and Publicly Accessible Spaces
- vi. Resource Efficiency
- vii. Safety and Security
- viii. Privacy
- ix. On-site Parking and Access
- ix. Site Facilities.

(c) Intent

Each element contains an intent that outlines the principal aims of that element and indicates the desired outcomes to be achieved in completed developments.

(d) Performance Criteria

The criteria for each element are general statements of the means for achieving the intent. They provide a basis for judging whether the intent has been met. The criteria are not meant to be limiting in nature—they provide designers and developers with an opportunity to develop a variety of design responses.

(e) Integrating The Design Elements

All ten design elements should be considered when preparing the development proposal. Wherever possible, the application should satisfy the intent and relevant criteria of all elements. Invariably, different weighting will be given to each element for any particular proposal due to site specific circumstances.

4.12.3 SITE ANALYSIS AND DESIGN RESPONSE

(a) Site and Context Analysis

The Design Guidelines call for a thorough site and context analysis to be undertaken as the starting point for any development proposal. The purpose of a site and context analysis is to identify, evaluate and communicate the design constraints and opportunities presented by the site and its environs. This process will make clear the key issues, on and off the site and in the neighbourhood, which will drive the design response. This is of particular significance when dealing with higher rise developments and when moving to a performance approach which seeks quality place specific design responses.

A focus upon the development site alone is not regarded as adequate. The extent of the surrounds that should be addressed in the analysis will depend upon the site's location and the proposed scale of development. Early discussion with Council Officers is recommended.

(b) Site and Context Analysis Information

A site and context analysis should document the following aspects.

- i. In relation to the site—
 - contours with heights relative to Australian Height Datum;
 - trees and significant vegetation;
 - buildings and their uses;
 - access and connection points;
 - orientation, microclimate and noise sources;
 - views to and from the site;
 - drainage and services;
 - any contaminated soils and filled areas;
 - any geotechnical conditions of significance;
 - fences, boundaries and easements;
 - any historical associations or archaeological evidence; and
 - any other notable features.

- ii. In relation to the surrounding area—
- location and uses of surrounding buildings;
 - the difference in levels between the site and surrounding properties;
 - abutting private open spaces and habitable room windows which have an outlook to the site;
 - amenity and solar access of surrounding residents;
 - potential noise sources;
 - major trees in surrounding properties;
 - location and height of walls built to the site boundary;
 - the built form, scale and character of surrounding and nearby development, including canopies, verandahs, fencing and garden styles;
 - any historical associations or archaeological evidence;
 - street frontage features such as street trees, services and driveway crossovers; and
 - characteristics of any nearby public open space.

The site and context analysis information does not need to be limited to a plan. Photographs of the site and area together with a photomontage of the streetscape can be key components.

(c) Design Response Statement

It is clearly not sufficient to prepare a site and context analysis plan and then ignore it during the design process. A design response statement is required to explain how the design of the development has responded to that analysis. This statement should address how the proposal relates to the opportunities and constraints presented by the site and its surrounds and how it responds to the existing neighbourhood character and/or any defined future urban character.

The design response statement need not be limited to a written response. Annotated plans and illustrations can be a useful tool for explaining design response and intent.

4.12.4 APPLICATION AND ASSESSMENT PROCESS

(a) Determining Planning Applications

All planning applications will be considered in terms of whether they meet the intent and relevant criteria of the Design Guidelines, together with the satisfaction of requirements in other relevant documents. Where there are inconsistencies with other Scheme provisions these Design Guidelines shall apply.

Applications will be assessed by Council Officers and an independent Design Review Group with the recommendations of each being presented to Council for consideration prior to determination.

(b) Independent Design Review Group

An independent Design Review Group has been appointed by Council and comprises experienced and qualified professionals from the disciplines of architecture, urban design, landscape architecture, building services and energy usage. This Group will play an important role in providing independent and professional advice to the Town and to applicants.

The Design Review Group will make recommendations to Council based on whether the development proposal meets the intent of the design elements and the relevant criteria set out in these Design Guidelines.

(c) Design Expertise

In recognition of the inherent complexity of higher rise buildings, it is strongly recommended that the applicant engage appropriately qualified professionals with experience of such development. Experience indicates that this scale of building warrants a multi-disciplinary team approach to achieve an integrated design response.

(d) Preliminary Discussions and Schematic Plans Encouraged

Developers and designers are strongly advised to undertake site and context analysis for their development site and have early discussions with Council Officers to outline the planning requirements and intentions of the developers and designers prior to developing any concepts for the site.

Following this stage, submission of a schematic concept plan is encouraged as this will allow early review by both Council Officers and the Design Review Group to clarify potential issues before undue time and expense is spent on finalising a proposal.

4.12.5 APPLICATION INFORMATION REQUIREMENTS

(a) Purpose of Information For Planning Applications

The information requirements for planning applications reflect the need for a broader range of information for higher rise development. The aim is to gain a

thorough appreciation of the site context, design response and development intent together with a reasonably detailed understanding of the physical form, finish and operation of the development.

The assessment process will look for demonstration that the development proposal will provide an appropriate and quality design outcome.

In addition to the requirements of any planning approval application specified in the current Town Planning Scheme Policy Manual, the following information must be submitted.

i. Plans and drawings

The following plans and drawings should be submitted at a minimum scale of 1:200 unless noted otherwise:

- Site and context analysis plan (see earlier section);
- Site development plan, including adjacent development;
- Floor plans 1:100;
- All elevations, including relevant elevations/ photomontages of adjacent developments 1:100;
- Major sections 1:100;
- Street perspective;
- Shadow analysis diagrams;
- Landscape plan;

ii. Design Report

The Design Report must incorporate the following material—

- *Design response statement*
Refer to Site Analysis and Design Response section for details on content.
- *Demonstrated response to performance criteria*
A response to each criteria in the design elements is to be provided with comment as to how each criteria is addressed and any appropriate cross reference to a plan or other supporting information that illustrates the response. Any criteria that are not addressed should be highlighted with a statement as to why they are not considered relevant.
- *Elaboration on specific matters*
Where applicable, and if not otherwise addressed, details on the following specific matters are to be supplied—
 - materials, colours and finishes;
 - wind impact;
 - building services provision;
 - resource efficiency assessment;
 - acoustic privacy;
 - visual privacy;
 - landscape maintenance; and
 - traffic impact.

(b) Information Required at Building Licence Stage

In addition to working drawings, specifications and other information which normally forms part of the building licence submission the following additional information is required:

- i. A statement disclosing any variations to the plans and information submitted and approved as part of the planning application with a justification for those variations and a statement of the impact of those variations.
- ii. A landscape maintenance specification for all landscape works to be provided.
- iii. A final Resource Efficiency report including a management plan.

4.12.6 DESIGN ELEMENTS

4.12.6.1 Site Planning

(a) Intent

To achieve a coherent site layout that provides a pleasant, attractive, manageable, resource-efficient and sustainable environment while also making a positive contribution to adjoining properties and the overall precinct.

(b) Performance Criteria

The intent may be achieved by application of the criteria below.

- i. The site layout integrates with the surrounding environment through—
 - building, streetscape and landscape design relating to the surrounding neighbourhood character or desired future urban character;

- appropriate pedestrian, cycle and vehicle circulation patterns within and around the site;
 - buildings facing and addressing streets and public spaces;
 - building position and orientation having consideration for minimising impact on amenity from reflective glare and/or over-shadowing of adjacent properties; and
 - location and design of building services within the development minimising impact on adjoining properties and public spaces.
- ii. The site layout takes into account on-site features, topography, views, landmarks, vegetation, structures, drainage, services and access and where appropriate, retains any item or natural site feature of identified conservation or heritage value.
 - iii. The site layout takes into account daylight, orientation and microclimatic considerations.
 - iv. The site layout takes into account attractive neighbouring sites and streetscape conditions and maintains a reasonable level of amenity.
 - v. The site layout enhances personal safety and minimises potential for crime, vandalism, and fear.
 - vi. Buildings are sited and designed to minimise energy use, provide amenity and allow sunlight to open spaces.
 - vii. Where the layout provides open spaces, these contribute to the legibility and character of the development, provide for a range of uses and activities, and are readily maintained.
 - viii. Site layout facilitates the infiltration of stormwater run-off wherever practicable (subject to climatic, soils and urban character criteria).
 - ix. In areas exposed to significant levels of off-site noise, the site layout and building design assists in minimising noise intrusion.
 - x. Building siting takes into account site levels and minimises changes to existing levels at site boundaries and street frontages.
 - xi. The setback and orientation of buildings provides an appropriate transition space between buildings and site boundaries, contributes positively to existing or proposed streetscapes and adjoining open spaces, and assists in the integration of new development.
 - xii. Sufficient access is provided for emergency vehicles.

4.12.6.2 Streetscape

(a) Intent

To provide attractive streetscapes that reinforce the functions and amenity of a street, and are sensitive to the built form, urban landscape and environmental conditions of the locality.

(b) Performance Criteria

The intent may be achieved by application of the criteria below.

- i. The street, building and landscape design achieves—
 - the creation of attractive environments with clear character and identity;
 - respect for existing attractive streetscapes and heritage streetscapes in established areas;
 - appropriate streetscapes in areas where desired future urban character has been defined;
 - optimisation of site attributes including views and existing features of natural and cultural value; and
 - safety and passive street surveillance.
- ii. The design of the landscape in and fronting streets—
 - complements the functions of the street;
 - reinforces desired traffic speed and behaviour;
 - is appropriately scaled relative to both the street reserve width and the building bulk and scale;
 - provides for appropriate street tree planting taking into account the image and role of the street, solar access requirements, soils, selection of appropriate species, and services;
 - retains and incorporates existing significant and mature vegetation where appropriate;
 - appropriately recognises and responds to items and places of heritage significance;
 - assists in microclimate management;

- integrates and forms visual and physical linkages with parks, reserves and transport corridors;
- enhances pedestrian comfort and safety;
- achieves and maintains lines of sight for pedestrians, cyclists and drivers of vehicles;
- ensures adequate lighting for safety and security purposes;
- provides where appropriate attractive and coordinated street furniture to meet user needs; and
- satisfies maintenance and utility requirements and minimises the visual impact of above-ground utilities.

4.12.6.3 Building Appearance and Neighbourhood Character

(a) Intent

To ensure that building appearance is attractive and is in keeping with any desirable current or future urban character of the area.

(b) Performance Criteria

The intent may be achieved by application of the criteria below.

- i. Buildings and their entries are readily apparent from the street.
- ii. Building height at the street frontage maintains a compatible scale with adjacent development where appropriate.
- iii. Building appearance enhances the quality of an area and appropriately addresses, according to its function(s), the following—
 - mass and proportion;
 - roof form and pitch;
 - façade articulation, detailing, and window and door proportions;
 - floor to ceiling height;
 - ground floor height above street level;
 - materials, patterns, textures, colours, and decorative elements;
 - selection and detailing of materials to ensure high quality and durability and minimise impact through glare and reflection;
 - verandahs, balconies, eaves and parapets;
 - services integration;
 - landscape and urban design elements; and
 - pedestrian amenity.
- iv. Garages and parking structures are screened from public streets.
- v. Consideration is given to the design of any large areas of roof that may be overlooked from the development or adjacent properties.
- vi. Existing buildings in sound condition that contribute to the streetscape character plus items of heritage or conservation significance are retained, incorporated and sympathetically treated, where possible.
- vii. Front fences and walls, where used, improve amenity and allow some outlook between the building and the street to achieve safety and surveillance and contribute positively to the streetscape.
- viii. Boundary walls and retaining structures have regard for the impact on neighbours.

4.12.6.4 Private Open Space

(a) Intent

To provide private open space* for each dwelling that is clearly defined, useable open space that meets user requirements for security, access, outdoor activities and visual amenity.

(b) Performance Criteria

The intent may be achieved by application of the criteria below.

- i. Private open space is clearly defined for exclusive use and is located adjacent to living areas.
- ii. Private open space areas are of dimensions to suit the projected requirements of the dwelling occupants and to accommodate appropriate outdoor needs.
- iii. Location and design of private open space takes advantage of outlook and natural features of the site, limits adverse impact of adjacent buildings on privacy, overshadowing, microclimate and amenity.
- iv. The location and design of private open space addresses surveillance, privacy and security issues.

Note: * Private open space is defined by the Residential Planning Codes of Western Australia. The current definition is as follows—

“private open space means open space set aside on a lot for the exclusive use of the occupants of the dwelling to which it abuts and excludes car parking spaces and accessways”

4.12.6.5 Communal Open Space And Publicly Accessible Space

(a) Intent

To provide communal open space* and publicly accessible space** where appropriate, that is generous, clearly defined and useable, and helps to create a pleasant, safe and attractive environment.

(b) Performance Criteria

The intent may be achieved by application of the criteria below.

- i. Communal open space and publicly accessible space is designed according to projected user needs and is determined by:
 - development type and density;
 - availability of alternative nearby publicly accessible spaces;
 - the need to distinguish communal open space clearly from private space;
 - range and type of activities envisaged;
 - future maintenance and management requirements;
 - consideration of the need to maintain privacy;
 - site attributes and microclimate considerations;
 - informal surveillance and security;
 - the need for accessibility; and
 - hours of operation of facilities.
- ii. The landscape design achieves an appropriate balance of hard and soft landscape treatment and determines the location and species of trees, shrubs and ground cover in a way that—
 - retains and protects significant existing vegetation where possible;
 - uses vegetation types and landscape styles which blend the development into the neighbourhood and streetscape and any proposed landscape character for the locality;
 - does not adversely affect the structure or function of proposed or neighbouring buildings;
 - contributes appropriate planting to streets fronted by the development;
 - considers personal safety, by ensuring good visibility and adequate sight lines along paths, accessways and building entries.
 - contributes to physical and visual amenity and to micro climate management; and
 - minimises risk of damage to services, footings and neighbouring vegetation.
- iii. Lighting is provided to all accessible spaces to ensure a high level of safety and security for users at night.
- iv. Ensure that appropriate security measures are incorporated and management procedures allow for limited or controlled access where and when required.

Note: * Communal open space is defined by the Residential Planning Codes of Western Australia. The current definition is as follows—

“Communal open space means open space set aside on a lot for the exclusive use of the occupants of the dwellings on that lot but does not include driveways or car parking areas”

** Publicly accessible space means open space that is not set aside for the exclusive use of occupants and that is intentionally accessible to the public.

4.12.6.6 Resource Efficiency

(a) Intent

To adhere to the principles of ecologically sustainable development by incorporating features which limit the use of fossil fuels and natural resources and reduce greenhouse gas emissions over the life of the development.

(b) Performance Criteria

The intent may be achieved by application of the criteria below.

- i. Building envelopes and internal layouts are designed to minimise energy consumed for heating, cooling and artificial light where—
 - window design facilitates good thermal and daylight performance;

- building materials and insulation assist in providing comfortable thermal conditions;
 - air movement within buildings is designed to provide comfortable thermal conditions and appropriate air quality; and
 - building materials, appliances and fuel sources are selected to minimise energy requirements and greenhouse gas emissions.
- ii. Building services are designed to minimise energy and resource use in the following ways—
- Electrical
 - maximise use of natural light;
 - utilise energy efficient lighting control systems; fittings and other appliances;
 - utilise energy efficient motors and equipment.
 - Mechanical
 - maximise use of natural ventilation;
 - utilise energy efficient air conditioning and mechanical ventilation systems and controls where appropriate.
 - Hydraulic and Hot Water
 - minimise water use and waste;
 - treat waste water for reuse where appropriate;
 - utilise energy efficient hot water systems;
 - utilise water efficient taps and fittings.
- iii. All building services are designed and maintained to minimise energy use over the life of the development.
- iv. Building design maximises use of renewable energy sources and utilises fuels that minimise greenhouse gas emissions.
- v. Landscape design assists microclimate management to conserve energy and water.

4.12.6.7 Safety And Security

(a) Intent

To provide personal and property security for occupants and visitors and enhance actual and perceived safety.

(b) Performance Criteria

The intent may be achieved by application of the criteria below.

- i. Buildings are designed to overlook public and communal streets and other public spaces to provide casual surveillance.
- ii. Site planning, buildings, fences, walls, landscaping and other landscape treatments and features clearly define territory and ownership of all public, common, semi-private and private spaces without the need for supplementary signage.
- iii. Appropriate lighting is provided to all pedestrian paths between public and shared communal and private areas, parking areas and building entries.
- iv. Building entries are clearly visible from public spaces and provide a sense of security for all users.
- v. Buildings are designed to minimise access between roofs, balconies and windows of adjoining dwellings tenancies and/or buildings.
- vi. Materials vulnerable to graffiti and vandalism are avoided and robust materials which are aesthetically pleasing are used in public or communal spaces.
- vii. Pedestrian site access and car parking are clearly defined, appropriately lit, visible to others and provide direct access to buildings from areas likely to be used at night.
- viii. Major pedestrian, cycle and vehicle thoroughfares are identified and reinforced as “safe routes” through—
 - appropriate lighting;
 - the potential for casual surveillance;
 - minimised opportunities for concealment; and
 - landscape and urban design which allows clear sight lines.
- ix. Entries to individual dwellings/tenancies are clearly identifiable by visitors and drivers of emergency vehicles.
- x. Public facilities, including public toilets and street furniture, are located to maximise opportunities for casual surveillance, and are designed and constructed of high-quality, robust materials.

- xi. In mixed use developments a diversity of complementary land-use activities is provided to encourage a public presence at different times of the day and night.
- xii. Landscape and fencing/walling treatments maintain clear visibility to and from doors, windows and pedestrian ways.

4.12.6.8 Privacy

(a) Intent

To site and design buildings to meet projected user requirements for visual and acoustic privacy, and to provide appropriate visual and acoustic privacy for nearby residents in their dwellings and private open space.

(b) Performance Criteria

The intent may be achieved by application of the criteria below.

- i. Direct overlooking of main internal living areas and private open spaces of other dwellings is limited.
- ii. Effective location and design of windows and balconies is preferred to the use of screening devices, high sills or obscured glass.
- iii. Site layout separates active recreational areas, parking areas, vehicle accessways and service equipment areas from bedroom areas of dwellings, and limits high levels of external noise entering dwellings.
- iv. Dwellings close to high-noise sources (eg busy roads, railway lines, airport flight-paths or industry) should be designed to limit noise intrusion.
- v. Building design, materials selection and services assists in minimising the transmission of solid and airborne sound throughout the development, adjacent properties and public spaces.

4.12.6.9 On-Site Parking And Access

(a) Intent

To ensure appropriate provision of secure and accessible on-site parking and access for occupants and visitors.

(b) Performance Criteria

The intent may be achieved by application of the criteria below.

- i. Parking is provided according to projected needs which are determined by the prescribed provisions in the Town Planning Scheme. When exercising discretion regard needs to be made to the following—
 - availability of public transport;
 - the availability of on-street car parking;
 - reciprocal parking opportunities; and/or
 - reducing the amount of car parking for residential uses to less than that prescribed by the Residential Planning Codes to promote sustainability.
- ii. Secure bicycle parking is provided.
- iii. On-site circulation and parking facilities are designed and located to—
 - conveniently and safely serve occupants, users and the likely range of servicing providers;
 - enable use by the disabled, pedestrians, cyclists and vehicle occupants;
 - enable efficient use of car spaces and accessways, including adequate manoeuvrability for vehicles between the street and the development to enable vehicles to access the street in forward gear;
 - fit in with any adopted street network hierarchy and objectives of the hierarchy, and with any related local traffic management plans;
 - minimise loss of on street parking; and
 - achieve relevant streetscape and landscape intent.
- iv. Open car parking areas and accessways are suitably sited and designed to enhance amenity while providing for security needs of residents and visitors.

4.12.6.10 Site Facilities

(a) Intent

To ensure that site facilities are conveniently accessed by occupants, and are visually attractive, blend in with the development and street character, and require minimal maintenance.

(b) Performance Criteria

The intent may be achieved by application of the criteria below.

- i. All facilities such as garbage bin areas, mail boxes and external storage facilities are sited and designed for attractive appearance and function, and complement the architecture and environs.

- ii. Garbage collection systems are designed for efficient and convenient use and collection and allow for collection of recyclable materials.
 - iii. Mail boxes are located for convenient access by occupants and deliverers, and are in a location offering passive surveillance.
 - iv. Dwellings are provided with adequate storage areas.
2. amending the 'TABLE OF CONTENTS' contained in Town Planning Scheme No 1—Policy Manual by adding reference to Policy 4.12 "DESIGN GUIDELINES FOR DEVELOPMENTS WITH BUILDINGS ABOVE 3 STOREYS" in the 'TABLE OF CONTENTS' by inserting under '4.9 'STREET FRONTAGE DESIGN GUIDELINES—DISTRICT CENTRES AND COMMERCIAL AREA ALONG ALBANY HIGHWAY' the following—

"4.10. TELECOMMUNICATIONS FACILITIES

4.10.1 AIM

4.10.2. POLICY

4.11. SATELLITE DISHES

4.11.1. AIM

4.11.2. POLICY

4.12 DESIGN GUIDELINES FOR DEVELOPMENTS WITH BUILDINGS ABOVE 3 STOREY

4.12.1 INTRODUCTION

4.12.2 USING THE DESIGN GUIDELINES

4.12.3 SITE ANALYSIS AND DESIGN RESPONSE

4.12.4 APPLICATION AND ASSESSMENT PROCESS

4.12.5 APPLICATION INFORMATION REQUIREMENTS

4.12.6 DESIGN ELEMENTS

4.12.6.1 Site Planning

4.12.6.2 Streetscape

4.12.6.3 Building Appearance & Neighbourhood Character

4.12.6.4 Private Open Space

4.12.6.5 Communal Open Space & Publicly Accessible Spaces

4.12.6.6 Resource Efficiency

4.12.6.7 Safety and Security

4.12.6.8 Privacy

4.12.6.9 On-site parking and Access

4.12.6.10 Site Facilities"

J. A. LEE, Mayor.

J. BONKER, Chief Executive Officer.

POLICE

PO501*

POLICE ACT 1892

POLICE AUCTION

Under the provisions of the *Police Act 1892*, unclaimed and forfeited property and bicycles will be sold by public auction Ross's Sales & Auctions, 241 Railway Parade, Maylands on Wednesday 3rd November 2004 at 10.00am.

The auction is to be conducted by Mr Brad Buckle, Mr. Craig Edwards, Mr. Kevin Grickage.

K. O'CALLAGHAN, Commissioner of Police,
Western Australia Police Service.

WORKSAFE

WS401*

OCCUPATIONAL SAFETY AND HEALTH ACT 1984
OCCUPATIONAL SAFETY AND HEALTH REGULATIONS 1996

EXEMPTION CERTIFICATE PURSUANT TO REGULATION 2.13

(No. 27 of 2004)

I, Nina Lyhne, WorkSafe Western Australia Commissioner, hereby grant an exemption to Skadada from the requirements of the following regulations of the *Occupational Safety and Health Regulations 1996*—

- Regulation 4.53(2)(a) through to Regulation 4.53(2)(e), inclusive; and
- Regulation 4.54(4)(c) insofar as it relates to the requirements of Section 6.18 of AS 2550.1—2002

insofar as the above require a person/s suspended from a crane to be accommodated in a workbox, and the requirements therefore in relation to suspending aerial performers from two cranes during a technical rehearsal on 18 November 2004 at Boom Logistics' yard and a performance on 19 November 2004 for the Awesome Festival at Forrest Chase, Perth.

I further grant an exemption from Regulation 4.54(7)(b) in relation to the trapeze act and the use of two cranes for multi-crane hoisting to suspend two persons between the cranes.

I also grant an exemption from the requirements of Regulation 4.54(3) in relation to the use of a crane in the abovementioned technical rehearsal and performance.

The following conditions shall apply with respect to use of the cranes—

- notwithstanding that Section 6.18.2 of Australian Standard AS2550.1 refers to use of a workbox, from which requirement Skadada is exempted, the requirements for the cranes listed in clauses (a) to (h) of 6.18.2 shall still apply;
- the crane operators shall remain at the controls of the crane at all times during the performance;
- the only crane motion permitted whilst a person is suspended from the crane hooks is hoist up or down at slow speed;
- a means of lowering the persons in the event of an emergency or failure of the power supply to the cranes is provided; and
- a certificated dogger or rigger oversees the attachment of the lifting gear to the crane hooks.

This exemption is valid on 18 and 19 November 2004 only.

Dated this 7 day of October 2004.

NINA LYHNE, WorkSafe
Western Australia Commissioner.

PUBLIC NOTICES

ZZ201

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Clive Wilson Wirrell, late of Glenn-Craig Nursing Home, Albany.

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 29 July 2004, are required by Mr Chris Wirrell, 1 Earlston Place, Booragoon, WA to send particulars of their claims to him by the 9th day of November 2004, after which date he may convey or distribute the assets, having regard only to the claims of which he then has notice.

ZZ401

DISPOSAL OF UNCOLLECTED GOODS ACT 1970

Notice under Part VII Intention to apply to Court for an Order to dispose of goods in possession otherwise than under a Bailment in the course of a business, where Section 20(b) applies.

TO: True Blue Down Under Australia Pty Ltd

of: 224 Walcott Street, North Perth, Western Australia

1. On 26 May 2004 at 5.00 pm office furniture, computers and miscellaneous items now situated at 6 Burgey Court, Osborne Park came, though you, into the possession of Dennis Rodin and Vera Anne Rodin of 18 Dempster Road, Karrinyup under the following circumstances:
2. You abandoned the premises at Suite 2, 88 Walter Drive, Osborne Park which you had leased from Dennis Rodin and Vera Anne Rodin for a period of twelve (12) months commencing on 20 October 2003.
3. Unless not more than 10 days from the date of the giving of this notice you relieve the above-named of possession of the goods, it is intended to make an application to the Court for an order to sell or otherwise dispose of them in accordance with the Act.

DENNIS RODIN

VERA ANNE RODIN

Persons in possession of goods.

WESTERN AUSTRALIA

RETIREMENT VILLAGES ACT 1992

Price: \$18.50 counter sales

Plus postage on 290 grams

RETIREMENT VILLAGES REGULATIONS 1992

***Price: \$5.15 counter sales**

Plus postage on 40 grams

* Prices subject to change on addition of amendments.

WESTERN AUSTRALIA

FREEDOM OF INFORMATION ACT 1992

***Price: \$35.65 counter sales**

Plus postage on 705 grams

* Prices subject to change on addition of amendments.

CLAIMS FOR MISSING ISSUES

(SUBSCRIPTION ITEMS)

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

Claims lodged after this date will attract payment in full.

STATE LAW PUBLISHER

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

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