

# WESTERN AUSTRALIAN GOVERNMENT Gazette

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## SPECIAL PUBLICATION NOTICE

### GOVERNMENT GAZETTE—EASTER 2004

Advertisers are advised to note the following changes to publication dates for *Government Gazette* over the Easter period 2004.

#### EASTER ISSUES:

**THURSDAY 8 APRIL** (Copy closes Tuesday 6 April at 12.00 noon)

There will be no edition for TUESDAY 13 APRIL.

Any enquiries should be directed to John Thompson,  
Phone (08) 9426 0010

# — PART 1 —

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## CONSUMER AND EMPLOYMENT PROTECTION

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CE301\*

Settlement Agents Act 1981

### Settlement Agents Amendment Regulations 2004

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council.

**1. Citation**

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

**2. The regulations amended**

The amendments in these regulations are to the *Settlement Agents Regulations 1982\**.

[\* Reprinted as at 12 December 1997.

For amendments to 4 March 2004 see *Western Australian Legislation Information Tables for 2002, Table 4, p. 346.*]

**3. Regulation 9 amended**

Regulation 9(b) is amended as follows:

- (a) in subparagraph (i) by deleting “10%” and inserting instead —  
“ 25% ”;
- (b) in subparagraph (ii) by deleting “90%” and inserting instead —  
“ 75% ”.

By Command of the Lieutenant-Governor  
and deputy of the Governor,

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

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**FISHERIES**

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FI301\*

Fish Resources Management Act 1994

**Fish Resources Management Amendment  
Regulations (No. 3) 2004**

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council.

**1. Citation**

These regulations may be cited as the *Fish Resources Management Amendment Regulations (No. 3) 2004*.

**2. The regulations amended**

The amendments in these regulations are to the *Fish Resources Management Regulations 1995*\*.

[\* Reprinted as at 14 November 2003.

For amendments to 10 March 2004 see *Gazette*

28 November and 23 December 2003 and 9 January and 17 February 2004.]

**3. Regulation 3 amended**

Regulation 3 is amended in the definition of “waters of the Shark Bay western gulf” by deleting “western side of Edel Land Peninsula; thence following the high water mark around Heirisson Prong and Bellefin Prong to the intersection of 26° 08.674' south latitude and 113° 09.517' east longitude (Steep Point); thence north easterly along the geodesic to the intersection of 26° 07.475' south latitude and 113° 10.817' east longitude (Surf Point)” and inserting instead —

“

eastern side of Edel Land Peninsula; thence following the high water mark around Heirisson Prong and Bellefin Prong to the intersection of the high water mark and 113° 12.9' east longitude; thence along the geodesic to the intersection of 113° 12.9' east longitude and the high water mark (southern end) of Dirk Hartog Island

”.

**4. Regulation 16G amended**

Regulation 16G is amended by deleting the definition of “fishing year” and inserting the following definition instead —

“

“**fishing year**” means calendar year excluding the period beginning on 15 August and ending on 30 September in that year;

”.

**5. Regulation 16I amended**

- (1) Regulation 16I(2) is repealed and the following subregulation is inserted instead —

“

- (2) An application may be made by electronic or written application in the manner, and during the period, approved by the Executive Director.

”.

- (2) Regulation 16I(4) is repealed.
- (3) Regulation 16I(5) is repealed.
- (4) Regulation 16I(6) is amended as follows:
- (a) in paragraph (a) by deleting “under subregulation (1) during the period approved under subregulation (2)(d)” and inserting instead —
- “
- during the period approved under subregulation (2)
- ”;
- (b) in paragraph (c) by deleting “500” and inserting instead —
- “ 900 ”.

**6. Regulation 64Y amended**

Regulation 64Y(1) is amended by deleting “(1) and subregulation (2)” and inserting instead —

“ (2) and subregulation (3) ”.

**7. Regulation 64Z amended**

Regulation 64Z(1) is amended by deleting “(1) and subregulation (2)” and inserting instead —

“ (2) and subregulation (3) ”.

**8. Regulation 64ZA amended**

Regulation 64ZA(1) is amended by deleting “(1) and subregulation (2)” and inserting instead —

“ (2) and subregulation (3) ”.

**9. Schedule 3 amended**

Schedule 3 Part 1 Division 1 is amended by deleting “Snapper, Pink, in the waters of Shark Bay” and inserting instead —

“ Snapper, Pink, in the waters of the Shark Bay western gulf and the waters of the Shark Bay eastern gulf ”.

By Command of the Lieutenant-Governor  
and deputy of the Governor,

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

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**RACING, GAMING AND LIQUOR**

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**RG101***Correction to Reprint***GAMING AND BETTING (CONTRACTS AND SECURITIES) ACT 1985**

The reprint, as at 27 February 2004, of the *Gaming and Betting (Contracts and Securities) Act 1985* is corrected as follows—

On page 7 in the column headed “Assent”, in the entry for “*Racing and Gambling Legislation Amendment and Repeal Act 2003 Pt. 8*”, the date “26 Jan 2003” should read “26 Jun 2003”.

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**TRANSPORT**

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**TR301\***

Road Traffic Act 1974

**Road Traffic Code Amendment  
Regulations 2004**

Made by the Lieutenant-Governor and deputy of the Governor in  
Executive Council.

**1. Citation**

These regulations may be cited as the *Road Traffic Code  
Amendment Regulations 2004*.

**2. The regulations amended**

The amendments in these regulations are to the *Road Traffic Code 2000\**.

[\* *Published in Gazette 4 August 2000, p. 4213-538.*

*For amendments to 12 March 2004 see Western Australian Legislation Information Tables for 2003, Table 4, p. 328-9.]*

**3. Regulation 3 amended**

Regulation 3(1) is amended in the definition of “authorised person” by deleting “Director General” and inserting instead —

“ Commissioner of Police ”.

**4. Regulation 9 amended**

Regulation 9(3) is repealed and the following subregulation is inserted instead —

“

(3) For the purposes of subregulation (2), an offence against these regulations shall be regarded as a subsequent offence if the person by whom it is committed has previously committed an offence against these regulations, or against the *Road Traffic Code 1975*.

”.

**5. Regulation 191 amended**

Regulation 191(2) is amended by deleting “the standard specification for portable warning signs set out in Australian Standard No. E.38-1962 of the Standards Association of Australia” and inserting instead —

“

AS 3790-1992 (Portable Warning Triangles for Motor Vehicles) published by Standards Australia

”.

**6. Regulation 230 amended**

Regulation 230 is amended in the definition of “child restraint” by deleting “the Standards Association of Australia” and inserting instead —

“ Standards Australia ”.

**7. Regulation 297 amended**

Regulation 297(4a) is amended as follows:

(a) in paragraph (d) by deleting “Commissioner for Main Roads” and inserting instead —

“ Commissioner of Main Roads ”;

- (b) in paragraph (e) by deleting “Commissioner for Main Roads” and inserting instead —  
“ Commissioner of Main Roads ”.

By Command of the Lieutenant-Governor  
and deputy of the Governor,

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

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## — PART 2 —

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### CONSUMER AND EMPLOYMENT PROTECTION

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CE401\*

#### SUNDAY ENTERTAINMENTS ACT 1979

##### NOTICE

I, John Charles Kobelke, Minister for Consumer and Employment Protection, acting pursuant to Section 3(2) of the Sunday Entertainments Act 1979 do hereby declare that the provisions of Section 3(1) of the Act shall not apply to, or in relation to, any person involved in operating the Timezone outlets listed in the Schedule below from 12.00 noon to 9.00pm on Good Friday, 9 April 2004.

##### Schedule

- Timezone Innaloo, Greater Union Cinema Complex, Liege Street, Innaloo
- Timezone Northbridge, 31 Lake Street, Northbridge
- Timezone Fremantle, 32-33 South Terrace, Fremantle

JOHN KOBELKE, MLA, Minister for Consumer and  
Employment Protection.

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### FISHERIES

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FI401

#### FISH RESOURCES MANAGEMENT ACT 1994

#### KIMBERLEY PRAWN MANAGED FISHERY MANAGEMENT PLAN 1993

##### Notice No. 1 of 2004

NT 60/99

I, Peter Rogers, Executive Director of the Department of Fisheries, in accordance with clause 17 (4) of the *Kimberley Prawn Managed Fishery Management Plan 1993* (the Plan), revoke the previous notice.

In accordance with clause 17 (1) of the Plan I hereby prohibit all persons from fishing—

- (a) in the waters described in Schedule 1 of the Plan during the period commencing from the date of this notice and ending at 0600 hours WST on 15 April 2004;
- (b) in the waters of Schedule 2 of the Plan during the period commencing at 0600 hours WST on 15 April and ending at 1000 hours WST on 27 May 2004.
- (c) in the waters described in Schedule 1 of the Plan during the period commencing at 1000 hours WST on 27 May 2004 and ending at 1630 hours WST on 1 September 2004;
- (d) in the waters described in Schedule 1 of the Plan during the period commencing at 0600 hours WST on 1 December 2004 and ending at 0600 hours WST on 1 May 2005;

(WST—Western Standard Time)

Dated this 31st day of March 2004.

P. P. ROGERS, Executive Director.

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## LOCAL GOVERNMENT

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LG401

**LOCAL GOVERNMENT ACT 1995**

*Shire of Leonora*  
(BASIS OF RATES)

Department of Local Government  
and Regional Development,  
Perth, 3 April 2004.

DLGRD: L 5-4

It is hereby notified for public information that in accordance with section 6.28 of the *Local Government Act 1995*, the Acting Director General has determined that the method of valuing the land described in the Schedules hereunder shall be gross rental value for the purposes of rating as from 9 October 2003.

CHERYL GWILLIAM, Director General.

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### Schedules

**Thunderbox Gold Mine****Schedule A—Plant and Administration**

That land commencing at a point 1655 metres at a bearing of 1°52'0'' from the South West corner of Surveyed Mining Lease M36/504 and contained with the following boundaries—

- 500 metres bearing 270°
- 600 metres bearing 0°
- 500 metres bearing 90°
- 600 metres bearing 180°

**Schedule B—Camp**

The land commencing at point 3700 metres at a bearing of 313°13'20'' from the South West corner of Surveyed Mining Lease and contained within the following boundaries—

- 400 metres bearing 270°
- 400 metres bearing 0°
- 400 metres bearing 90°
- 400 metres bearing 80°

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## PLANNING AND INFRASTRUCTURE

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PI401\*

**TOWN PLANNING AND DEVELOPMENT ACT 1928**

## ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

*City of Cockburn*

District Zoning Scheme No. 3—Amendment No. 10

Ref: 853/2/23/20 Pt 10

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 (as amended) that the Hon Minister for Planning and Infrastructure approved the City of Cockburn Town Planning Scheme Amendment on 30 March 2004 for the purpose of—

1. Including the following in Schedule 11—Development Areas of the Scheme—

Ref. No.	Area	Provisions
DA 7	Lots 1, 2 and 3 on Diagram 34240 and Lot 101 on Diagram 83601 Coolbellup Avenue, Reserve 30189 and Reserve 30190 Cordelia Avenue Coolbellup and that portion of Cordelia Avenue between Coolbellup Avenue and Rosalind Way	<ol style="list-style-type: none"> <li>1. An approved Structure Plan together with all approved amendments shall apply to the land in order to guide subdivision and development.</li> <li>2. To provide for an integrated town centre with a mix of residential, commercial, recreation, community and education facilities, in accordance with an approved Structure Plan.</li> </ol>

2. Amending the Scheme Map to rezone Lots 1, 2 and 3 on Diagram 34240 and Lot 101 on Diagram 83601 Coolbellup Avenue, Reserve 30189 and Reserve 30190 Cordelia Avenue and that portion of Cordelia Avenue between Coolbellup Avenue and Rosalind Way, Coolbellup from "Local Centre", "Public Purpose—Civic", "Parks and Recreation" and "Local Road" to "Development" zone and under "Development Area—DA 7".

S. LEE, Mayor.  
D. M. GREEN, for Chief Executive Officer.

**PI402\*****TOWN PLANNING AND DEVELOPMENT ACT 1928****ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT***City of Joondalup*

District Planning Scheme No. 2—Amendment No. 16

Ref: 853/2/34/2 Pt 16

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 (as amended) that the Hon Minister for Planning and Infrastructure approved the City of Joondalup Town Planning Scheme Amendment on 30 March 2004 for the purpose of—

1. Rezoning—
  - (1) Lot 71 Woodvale Drive, Woodvale from 'Rural' to 'Residential'.
  - (2) Portion of Woodvale Drive, Woodvale from 'Rural' to 'Residential'.
2. Zoning—
  - (1) Portions of Turn Ridge and Woodswallow Close, Joondalup, 'Centre'.
  - (2) Portion of Cockatoo Ridge, Joondalup, 'Centre'.
  - (3) Portion of Pt Lot 62 Winton Road, Joondalup, 'Service Industrial'.
  - (4) Portion of Lot 100 Joondalup Drive, Joondalup, 'Centre'.
  - (5) Portion of Lot 902 Grand Boulevard, Joondalup, 'Centre'.
  - (6) Portion of Lot 102 Kennedy Drive, Joondalup, 'Centre'.
  - (7) Portion of Pt Lot 107 Joondalup Drive, Joondalup, 'Service Industrial'.
3. Reserving—
  - (1) Portion of Pt Lot 166 Ambassador Drive, Currambine, 'Local Reserve—Public Use—Primary School'.
  - (2) Portion of Carlton Park—Reserve 45754 Carlton Turn, Currambine, 'Local Reserve—Parks and Recreation'.
4. Zoning the following to 'Residential'—
  - (1) Portion of Lot 136 (23 and 25) Fairmont Place, Currambine.
  - (2) Portion of Lot 117 (18) Raffles Court, Currambine.
  - (3) Portion of Lot 116 (15) Raffles Court, Currambine.
  - (4) Portion of Lot 105 (9) Luxor Place, Currambine.
  - (5) Portion of Lot 104 (8) Luxor Place, Currambine.
  - (6) Portion of Lot 242 (38) Carlton Turn, Currambine.
  - (7) Portion of Lot 243 (40) Carlton Turn, Currambine.
  - (8) Portion of Lot 907 (34) Boynton Gardens, Iluka.
  - (9) Lot 923 (43) Boynton Gardens, Iluka.
  - (10) Portion of Lot 924 (45) Boynton Gardens, Iluka.
  - (11) Portion of Lot 925 (47) Boynton Gardens, Iluka.
  - (12) Portion of Boynton Gardens, Iluka.
  - (13) Portion of Lot 5 (4) Sorata Place, Currambine.
  - (14) Portion of Lot 7 (26) Arabella Mews.
  - (15) Portion of Arabella Mews.
  - (16) Portion of Lot 265 (22) Arabella Mews.
  - (17) Portion of Lot 266 (20) Arabella Mews.
  - (18) Portion of Ambassador Drive, Currambine.
  - (19) Portion of Carlton Turn, Currambine.
  - (20) Unnamed portion of land—corner Joondalup Drive and Moore Drive, Joondalup.
5. Applying an—
  - (1) R25 Density Coding to Lot 71 Woodvale Drive, Woodvale.
  - (2) R20 Density Coding to Portion of Woodvale Drive, Woodvale.

J. PATERSON, Chairman of Commissioners.  
D. SMITH, Chief Executive Officer.

**PI403\***

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

District Planning Scheme No. 2—Amendment No. 19

Ref: 853/2/34/2 Pt 19

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 (as amended) that the Hon Minister for Planning and Infrastructure approved the City of Joondalup Town Planning Scheme Amendment on 30 March 2004 for the purpose of—

1. Rezoning Lot 742 (83) Caridean Street, Heathridge from Business to Centre and uncoding the land.
2. Rezoning Lot 743 (79) Admiral Grove, Heathridge from Business to Centre and uncoding the land.

J. PATERSON, Chairman of Commissioners.  
D. SMITH, Chief Executive Officer.

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**PI404\***

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

Community Planning Scheme No. 5—Amendment No. 25

Ref: 853/2/17/12 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 Hon Minister for Planning and Infrastructure approved the City of Melville Town Planning Scheme Amendment on 30 March 2004 for the purpose of—

1. Amending the density coding of approximately 1.2595 hectares of Reserve 29543, Location 3610, Mandala Crescent, Bateman, from R20 to R40.
2. Amending the Scheme Text by adding to Part 4 Living Area Precinct BN1—Bateman, under the development requirements R Code following R20, “and R40”.

J. R. BENNETT, Deputy Mayor.  
C. McCLURE, Acting Chief Executive Officer.

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**PI405**

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

Town Planning Scheme No. 1—Amendment No. 23a

Ref: 853/2/32/2 Pt 23A

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 (as amended) that the Hon Minister for Planning and Infrastructure approved the Town of Victoria Park Town Planning Scheme Amendment on 30 March 2004 for the purpose of—

1. Amending the Scheme Text to include a new subclause (b) to clause 29A1, to be inserted after subclause (a), to read as follows—
  - (b) Development Areas shown on the Precinct Plans as DA with a number and included in Schedule 7.
2. Amending the Scheme Text to include a new clause ‘29AB DEVELOPMENT AREAS AND STRUCTURE PLANS’ after clause 29AA ‘BUILDING AND DESIGN AREAS’ to read as follows—

**29AB DEVELOPMENT AREAS AND STRUCTURE PLANS**

(1) Interpretation

In clause 29AB, unless the context otherwise requires—

‘Owner’ means an owner or owners of land in the Development Area; and  
‘Structure Plan’ means a Structure Plan that has come into effect in accordance with clause 29AB(12)(a).

- (2) Purpose of Development Areas
- (a) The purpose of Development Areas are to—
- (i) identify areas requiring comprehensive planning; and
  - (ii) coordinate subdivision and development in areas requiring comprehensive planning.
- (b) Schedule 7 describes the Development Areas in detail and sets out the specific purposes and requirements that apply to the Development Areas.
- (3) Subdivision and Development in Development Areas—
- (a) The development of land within a Development Area is to comply with Schedule 7.
- (b) The subdivision and development of land within a Development Area is to generally be in accordance with any structure plan that applies to that land.
- (4) Structure Plan Required
- (a) The local government is not to—
- (i) consider recommending subdivision; or
  - (ii) approve development
- of land within a Development Area unless there is a structure plan for the Development Area or for the relevant part of the Development Area.
- (b) Notwithstanding clause 29AB(4)(a), a local government may recommend subdivision or approve the development of land within a Development Area prior to a structure plan coming into effect in relation to that land, if the local government is satisfied that this will not prejudice the specific purposes and requirements of the Development Area.
- (5) Preparation of Proposed Structure Plans
- (a) A proposed structure plan may be prepared by—
- (i) the local government; or
  - (ii) an owner.
- (b) A proposed structure plan may be prepared for all, or part of, a Development Area.
- (6) Details of Proposed Structure Plan—
- (a) A proposed structure plan is to contain the following details—
- (i) a map showing the area to which the proposed structure plan is to apply;
  - (ii) a site analysis map showing the characteristics of the site including—
    - landform, topography, and capability;
    - conservation and environmental values including bushland, wetlands, damp lands, streams and water courses, foreshore reserves and any environmental policy areas;
    - hydrogeological conditions including approximate depth to water table;
    - sites and features of Aboriginal and European heritage value;
  - (iii) a context analysis map of the immediate surrounds to the site including:
    - the pattern of neighbourhoods, and existing and planned neighbourhood, town and regional centres;
    - transport routes, including freeways, arterial routes and neighbourhood connector alignments, public transport routes, strategic cycle routes, bus stops and rail stations;
    - existing and future land use;
  - (iv) for district structure plans a map showing proposals for—
    - the pattern of neighbourhoods around town and neighbourhood centres;
    - arterial routes and neighbourhood connector streets;
    - the protection of natural features such as water courses and vegetation;
    - major open spaces and parklands;
    - major public transport routes and facilities;
    - the pattern and disposition of land uses;
  - (v) for local structure plans a map showing proposals for—
    - neighbourhoods around proposed neighbourhoods and town centres;
    - existing and proposed commercial centres;

- natural features to be retained;
  - street block layouts;
  - the street network including street types;
  - transportation corridors, public transport network, and cycle and pedestrian networks;
  - land uses including residential densities and estimates of population;
  - schools and community facilities;
  - public parklands; and
  - urban water management areas;
- (vi) a written report to explain the mapping and to address the following—
- the planning framework for the structure plan including any applicable regional or district structure plans, and any policies, strategies and scheme provisions which apply to the land, and any environmental conditions which apply under the Scheme;
  - the site analysis including reference to the matters listed in clause 29AB(6)(a)(ii) above, and, in particular, the significance of the conservation, environmental and heritage values of the site;
  - the context analysis including reference to the matters listed in clause 29AB(6)(a)(iii) above;
  - how planning for the structure plan area is to be integrated with the surrounding land;
  - the design rationale for the propose pattern of subdivision, land use and development;
  - traffic management and safety;
  - parkland provision and management;
  - urban water management;
  - proposals for public utilities including sewerage, water supply, drainage, gas, electricity and communication services;
  - the proposed method of implementation including any cost sharing arrangements and details of any staging of subdivision and development.
- (b) The maps referred to in clause 29AB(6)(a) are to—
- (i) be drawn to a scale that clearly illustrates the details referred to in clause 29AB(6)(a); and
  - (ii) include a north point, visual bar scale, key street names and a drawing title and number.
- (c) A proposed structure plan may, to the extent that it does not conflict with the Scheme, impose a classification on the land included in it by reference to reserves, zones or the *Residential Planning Codes*, and where the proposed structure plan becomes a structure plan, the local government is to have due regard to such reserves, zones or *Residential Planning Codes* when recommending subdivision or approving development of land within a Development Area.
- (d) A proposed structure plan must, in the opinion of the local government, be consistent with orderly and proper planning.
- (7) Submission To Local Government and Commission—
- (a) A proposed structure plan prepared by an owner is to be submitted to the local government.
  - (b) Within 7 days of preparing or receiving a propose structure plan which proposes the subdivision of land, the local government is to forward a copy of the propose structure plan to the Commission.
  - (c) The Commission is to provide comments to the local government as to whether it is prepared to endorse the propose structure plan with or without modifications.
  - (d) The Commission must provide its comments to the local government within 30 days of receiving the proposed structure plan.
- (8) Advertising of Structure Plan—
- (a) Within 60 days of preparing or receiving a proposed structure plan that conforms with clause 29AB(6) and complies with the Scheme (or such longer time as may be agreed in writing between the owner who submitted

the proposed structure plan and the local government), the local government is to—

- (i) advertise, or require the owner who submitted the proposed structure plan to advertise, the proposed structure plan for public inspection by one or more of the following ways—
  - notice of the proposed structure plan published in a newspaper circulating in the Scheme area;
  - a sign or signs displaying notice of the proposed structure plan to be erected in a conspicuous place or places in the Development Area, or part of the Development Area, to which the proposed structure plan applies; and
- (ii) give notice or require the owner who submitted the proposed structure plan to give notice, in writing to—
  - all owners whose land is included in the proposed structure plan;
  - all owners and occupiers who, in the opinion of the local government, are likely to be affected by the adoption of the proposed structure plan;
  - such public authorities and other persons as the local government nominates.

(b) The advertisement and notice are to—

- (i) explain the scope and purpose of the proposed structure plan;
- (ii) specify when and where the proposed structure plan may be inspected; and
- (iii) invite submissions to the local government by a specified date being not less than 21 days after the giving or erection of the notice or publication of the advertisement, as the case requires.

(9) Adoption of Proposed Structure Plan—

- (a) The local government is to consider all submissions received and within 60 days of the latest date specified in the notice or advertisement for the making of submissions is to—
  - (i) adopt the proposed structure plan, with or without modifications; or
  - (ii) refuse to adopt the proposed structure plan and, where the proposed structure plan was submitted by an owner, give reasons for this to the owner.
- (b) (i) In making a determination under clause 29AB(9)(a), the local government is to have due regard to the comments and advice received from the Commission in relation to the proposed structure plan.
  - (ii) If the Commission requires modifications to the proposed structure plan, the local government is to consult with the Commission prior to making a determination under clause 29AB(9)(a).
- (c) If the local government, after consultation with the Commission, is of the opinion that a modification to the proposed structure plan is substantial, the local government may—
  - (i) readvertise the proposed structure plan; or
  - (ii) require the owner who submitted the proposed structure plan to readvertise the proposed structure plan;

and thereafter, the procedures set out in clause 29AB(8)(a) onwards are to apply.

- (d) If within the period referred to in clause 29AB(9)(a), or such further time as may be agreed in writing between the owner who submitted the proposed structure plan and the local government, the local government has not made a determination under clause 29AB(9)(a), the local government is deemed to have refused to adopt the proposed structure Plan.

(10) Endorsement by Commission—

- (a) If the proposed structure plan proposes the subdivision of land, then within 7 days, of making its determination under clause 29AB(9)(a), the local government is to forward the proposed structure plan to the Commission for its endorsement.
- (b) As soon as practicable after receiving the proposed structure plan, the Commission is to determine whether to endorse the proposed structure plan.
- (c) The Commission is to notify the local government of its determination under clause 29AB(10)(b).

- (11) Notification of Structure Plan—
- (a) As soon as practicable after adopting a proposed structure plan under clause 29AB(9)(a) and if clause 29AB(10) applies, as soon as practicable after being notified of the Commission's decision under clause 29AB(10)(c), the local government is to forward a copy of the structure plan to—
    - (i) any public authority or person that the local government thinks fit; and
    - (ii) where the structure plan was submitted by an owner, to the owner.
- (12) Operation of Structure Plan—
- (a) A structure plan comes into effect—
    - (i) where the structure plan proposes the subdivision of land, on the day on which it is endorsed by the Commission pursuant to clause 29AB(10)(b); or
    - (ii) on the day on which it is adopted by the local government under clause 29AB(9)(a) in all other cases.
  - (b) If a provision of a structure plan is inconsistent with a provision of the Scheme, then the provision of the Scheme prevails to the extent of the inconsistency.
- (13) Inspection of Structure Plan—
- (a) The structure plan and the Commission's notification under clause 29AB(10)(c) is to be kept at the local government's administrative offices, and is to be made available for inspection by any member of the public during office hours.
- (14) Variation to Structure Plan—
- (a) The local government may vary a structure plan—
    - (i) by resolution if, in the opinion of the local government, the variation does not materially alter the intent of the structure plan;
    - (ii) otherwise, in accordance with the procedures set out in clause 29AB(6) onwards.
  - (b) If the local government varies a structure plan by resolution, and the variation does not propose the subdivision of land, the local government is to forward a copy of the variation to the Commission within 10 days of making the resolution.
  - (c) If the local government varies a structure plan by resolution, and the variation proposes the subdivision of land, the local government is to forward a copy of the variation to the Commission within 10 days of making the resolution for its endorsement.
  - (d) As soon as practicable after receiving the copy of the variation referred to in clause 29AB(14)(c), the Commission is to determine whether to endorse the proposed variation.
  - (e) The Commission is to notify the local government of its determination under clause 29AB(14)(d).
  - (f) A variation to a structure plan by resolution comes into effect—
    - (i) where the variation proposes the subdivision of land, on the day on which it is endorsed by the Commission pursuant to clause 29AB(14)(d), or
    - (ii) on the day on which the local government resolves to make the variation under clause 29AB(14)(a)(i).
- (15) Detailed Area Plan—
- (a) Where it is considered desirable to enhance, elaborate or expand the details or provisions contained in a structure plan for a particular lot or lots, a detailed area plan may be prepared by—
    - (i) the local government; or
    - (ii) an owner.
  - (b) A detailed area plan may include details as to—
    - (i) building envelopes;
    - (ii) distribution of land uses within a lot;
    - (iii) private open space;
    - (iv) services;
    - (v) vehicular access, parking, loading and unloading area, storage yards and rubbish collection closures;
    - (vi) the location, orientation and design of buildings and the space between buildings;
    - (vii) advertising signs, lighting and fencing;
    - (viii) landscaping, finished site levels and drainage;



- (ix) protection of sites of heritage, conservation or environmental significance;
  - (x) special development controls and guidelines; and
  - (xi) such other information considered relevant by the local government.
- (c) When a proposed detailed area plan is prepared under clause 29AB(15)(a), the local government is to—
- (i) advertise, or require the owner who submitted the proposed detailed area plan to advertise, the proposed detailed area plan for public inspection by one or more of the following ways—
    - notice of the proposed detailed area plan published in a newspaper circulating in the Scheme area;
    - a sign or signs displaying notice of the proposed detailed area plan to be erected in a conspicuous place or places in the Development Area, or part of the Development Area, to which the proposed detailed area plan applies; and
  - (ii) give notice or require the owner who submitted the proposed detailed area plan to give notice, in writing to—
    - all owners whose land is included in the proposed detailed area plan;
    - all owners and occupiers who, in the opinion of the local government, are likely to be affected by the adoption of the proposed detailed area plan;
    - such public authorities and other persons as the local government nominates.
- (d) The advertisement and notice are to—
- (i) explain the scope and purpose of the proposed detailed area plan;
  - (ii) specify when and where the proposed detailed plan may be inspected; and
  - (iii) invite submissions to the local government by a specified date being not less than 21 days after the giving or erection of the notice or publication of the advertisement, as the case requires.
- (e) The local government is to consider all submissions received and—
- (i) approve the detailed area plan with or without conditions; or
  - (ii) refuse to approve the detailed area plan and, where the proposed detailed area plan was submitted by an owner, give reasons for this to the owner.
- (f) If within 60 days of receiving a detailed area plan prepared under clause 29AB(15)(a)(ii), or such longer period as may be agreed in writing between the owner and the local government, the local government has not made one of the determinations referred to in clause 29AB(15)(e), the local government is deemed to have refused to approve the detailed area plan.
- (g) On approved by the local government, the detailed area plan constitutes a variation of the structure plan.
- (h) The local government may vary a detailed area plan in accordance with the procedures set out in clause 29AB(15) on wards provided such variations do not prejudice the intention of any related structure plan.
- (16) Appeal—
- (a) An owner who has submitted a proposed structure plan under clause 29AB(7)(a) may appeal, under Part V of the Town Planning Act—
    - (i) any failure of the local government to advertise, or require the owner to advertise, a proposed structure plan within the required time period under clause 29AB(8)(a);
    - (ii) any determination of the local government—
      - to refuse to adopt a proposed structure plan (including a deemed refusal); or
      - to require modifications to a proposed structure plan that are unacceptable to that owner.
  - (b) An owner who has submitted a detailed area plan in accordance with clause 29AB(15) may appeal, in accordance with Part V of the Town Planning Act, any discretionary decision made by the local government under clause 29AB(15).”
3. Adding reference to clause 29AB in the ‘Table of Contents’ contained in the Scheme Text by inserting after “29AA BUILDING AND DESIGNS AREA” the following—
- 29AB DEVELOPMENT AREAS AND STRUCTURE PLANS

4. Adding reference to clause 29AB in 'Part 3—DEVELOPMENT REQUIREMENTS' contained in the Scheme Text by inserting after 29AA Building and Design Areas" the following—  
29AB Development Areas and Structure Plans
5. Amending "SCHEDULE 7—SPECIAL CONTROL AREA" contained in the Scheme Text to include a new Special Control Area—DA 1- The whole of the area being portion of Swan Loc 35 (known as Belmont Racecourse) after BD 1 and to incorporate the following text—

"SCHEDULE 7: SPECIAL CONTROL AREAS

Area No	Land Description	Purpose and Particular Requirements
DA 1	The whole of the area being portion of Swan Loc 35 (known as Belmont Park Racecourse)	A structure Plan must be prepared and approved prior to any subdivision and/or development of the land, with the exception of development or use associated with the current racecourse activities.

6. Amending Burswood Peninsula Precinct Plan P1—Sheet A by including in the legend under the heading "Land Use and Development Controls" a black border and number DA 1 within the boundaries of the border described as Development Area subject to Division 3 of the Town Planning Scheme Text.
7. Amending the Burswood Peninsula Precinct Plan P1—Sheet A by delineating Portion of Swan Loc 35 (Belmont Park Racecourse) as DA 1.

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

**PI501\***

**METROPOLITAN REGION TOWN PLANNING SCHEME ACT 1959**

METROPOLITAN REGION SCHEME AMENDMENT NO. 1058/33  
STEPHENSON AVENUE AND ROCHDALE ROAD

Call for Public Submissions

The Western Australian Planning Commission intends to amend the Metropolitan Region Scheme for land in the City of Nedlands and the Town of Cambridge. Public comment is invited.

The purpose of this amendment is to transfer the existing road reservations of Stephenson Avenue from Rochdale Road to Underwood Avenue and Rochdale Road from West Coast Highway to Stephenson Avenue into the Other Regional Roads reservation in the Metropolitan Region Scheme.

The Commission's *Amendment Report*, which explains the proposals, will be available for public inspection with amending plans and other supporting documentation from Tuesday 3 February 2004 to Friday 7 May 2004 at each of the following locations:

- Department for Planning and Infrastructure  
1st Floor, Albert Facey House  
469 Wellington Street  
PERTH
- J S Battye Library  
Alexander Library Building  
Francis Street  
NORTHBRIDGE
- Main Roads WA  
'Don Aitken Centre'  
Waterloo Crescent  
EAST PERTH
- Council Offices of the municipalities of—
  - City of Perth
  - City of Fremantle
  - City of Nedlands
  - Town of Cambridge

Documents are also available from the Commission's Internet site: [www.wapc.wa.gov.au](http://www.wapc.wa.gov.au).

Any person who desires to make a submission either supporting, objecting or providing comment on any provisions of the proposed Amendment should do so on a Form 6A. 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 5.00pm FRIDAY 7 MAY 2004. Late submissions will not be considered.

P. M. MELBIN, Secretary,  
Western Australian Planning Commission.

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**PUBLIC NOTICES**

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ZZ201

**TRUSTEES ACT 1962****DECEASED ESTATE**

## Notice to Creditors and Claimants

Jean Muriel Roberts, late of Elimatta Nursing Home, 45 Alexander Drive, Mount Lawley, 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 10 March 2004 are required by the Trustee ANZ Executors & Trustee Company Limited ABN 33 006 132 332) of Level 21, 530 Collins Street, Melbourne VIC 3000 to send particulars of their claim to them by 14 May 2004 after which date the Trustee may convey or distribute the assets having regard only to the claims of which he then has notice.

ZZ202

**TRUSTEES ACT 1962****DECEASED ESTATE**

## Notice to Creditors and Claimants

Gordon Lancelot Matson, late of 49 Canterbury Terrace, East Victoria Park in Western Australia, Truck Driver, 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 1 December 2003 at Royal Perth Hospital, Perth, Western Australia, are required by the personal representative, being Steven Raymond Fidock to send particulars of their claims to Suite 2, 11 Richardson Street, South Perth WA 6151 within 30 days of publication of this notice after which date the personal representative may convey or distribute the assets having regard only to the claims of which he then has notice.

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## CLAIMS FOR MISSING ISSUES

(SUBSCRIPTION ITEMS)

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

Claims lodged after this date will attract payment in full.

STATE LAW PUBLISHER

### SUBSCRIPTION CHARGES 2004

All subscriptions are for the period from 1 January to 31 December 2004. Subject to certain limitations, refunds may be allowed if a subscription is cancelled during the year. The prices quoted include postage by surface mail unless stated otherwise.

\* Prices cover period from 1 January to 30 June 2004. From 1 July access to on-line legislation will be free.

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