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GOVERNMENT GAZETTE

PUBLISHING DETAILS FOR EASTER 2008

**Gazettes will not be published on Friday, 21 March or
Tuesday, 25 March 2008.**

—
A Gazette will be published on Thursday, 20 March at 3.30 pm.
Copy closes at noon on Tuesday, 18 March.

—
The next Gazette published will be on Friday, 28 March at 3.30 pm.
Copy closes at noon on Wednesday, 26 March.

— PART 1 —

PROCLAMATIONS

AA101*

ROAD TRAFFIC AMENDMENT ACT (No. 2) 2007

No. 39 of 2007

PROCLAMATION

Western Australia

*By His Excellency**Doctor Kenneth Comminos Michael,
Companion of the Order of Australia,
Governor of the State of Western Australia*

[L.S.]

KENNETH COMMINOS MICHAEL
Governor

I, the Governor, acting under the *Road Traffic Amendment Act (No. 2) 2007* section 2(b) 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 Part 2, other than sections 6(2)(b)(ii), 17, 18 and 25 and Divisions 4, 5 and 6, of that Act come into operation.

Given under my hand and the Public Seal of the State on 11 March 2008.

By Command of the Governor,

ALANNAH MacTIERNAN, Minister for Planning and Infrastructure.

Note: Under section 2 of the Act, section 6(2)(b)(ii) and Part 3 also come into operation on the day fixed by this proclamation.

CONSUMER AND EMPLOYMENT PROTECTION

CE301*

Land Valuers Licensing Act 1978

Land Valuers Licensing Amendment Regulations (No. 2) 2007

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Land Valuers Licensing Amendment Regulations (No. 2) 2007*.

2. Commencement

These regulations come into operation as follows:

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. The regulations amended

The amendments in these regulations are to the *Land Valuers Licensing Regulations 1979*.

4. Regulation 8 amended

(1) Regulation 8 is amended as follows:

- (a) by inserting before “The” the subregulation designation “(1)”;
- (b) by deleting “section 19(1)(c)” and inserting instead —
“ section 19(c) ”;
- (c) by inserting after both paragraphs (a) and (b) —
“ and ”.

(2) At the end of regulation 8 the following subregulation is inserted —

“

- (2) The following certificates or other awards are prescribed under section 19(c) —
 - (a) membership of the Royal Institution of Chartered Surveyors as a Chartered General Practice Surveyor obtained before 1 January 2000;
 - (b) membership of the Royal Institution of Chartered Surveyors as a Chartered Valuation Surveyor obtained before, on or after 1 January 2000;
 - (c) membership of the Royal Institution of Chartered Surveyors as a Chartered Commercial Property Surveyor obtained before, on or after 1 January 2000.

”.

By Command of the Governor,

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

PREMIER AND CABINET

PC301*

Supreme Court Act 1935

**Acting Attorney General Designation
Order 2008**

Made by the Governor in Executive Council.

1. Citation

This order is the *Acting Attorney General Designation Order 2008*.

2. Minister designated

- (1) Under the *Supreme Court Act 1935* section 154, the Honourable Suzanne Mary Ellery, the Minister for Child Protection, Communities, Women's Interests, Seniors and Volunteering, is designated as the Minister of the State —
 - (a) who may exercise the powers referred to in section 154(3) of that Act; and
 - (b) by, to or with reference to whom acts may be done under section 154(4) of that Act,during the period 7 July to 16 July 2008 (both dates inclusive).
- (2) Under the *Supreme Court Act 1935* section 154, the Honourable John Charles Kobelke, the Minister for Police and Emergency Services, Community Safety, Water Resources, Sport and Recreation, is designated as the Minister of the State —
 - (a) who may exercise the powers referred to in section 154(3) of that Act; and
 - (b) by, to or with reference to whom acts may be done under section 154(4) of that Act,during the period 17 July to 18 July 2008 (both dates inclusive).

By Command of the Governor,

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

TRANSPORT

TR301*

Road Traffic Act 1974

**Road Traffic Legislation Amendment
Regulations 2008**

Made by the Governor in Executive Council.

Part 1 — Preliminary**1. Citation**

These regulations are the *Road Traffic Legislation Amendment Regulations 2008*.

2. Commencement

These regulations come into operation as follows:

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Road Traffic Amendment Act (No. 2) 2007* section 9 comes into operation.

**Part 2 — Road Traffic (Blood Sampling and Analysis)
Regulations 1975****3. The regulations amended**

The amendments in this Part are to the *Road Traffic (Blood Sampling and Analysis) Regulations 1975*.

4. Schedule amended

The Schedule is amended, in Form C, in paragraph 3, by deleting “per centum of alcohol.” and inserting instead —

“ grams of alcohol per 100 mL of blood. ”.

5. Schedule amended

The Schedule is amended by deleting “Director” in both places where it occurs in each of Form E and Form F and inserting instead —

“ chief executive officer ”.

Part 3 — *Road Traffic (Breath Analysis) Regulations 1975*

6. The regulations amended

The amendments in this Part are to the *Road Traffic (Breath Analysis) Regulations 1975*.

7. First Schedule amended

The First Schedule is amended by deleting “Director” in both places where it occurs in Form 1 and inserting instead —

“ chief executive officer ”.

8. Third Schedule amended

The Third Schedule is amended in column 2 by deleting “%” in both places where it occurs.

Part 4 — *Road Traffic (Drivers’ Licences) Regulations 1975*

9. The regulations amended

The amendments in this Part are to the *Road Traffic (Drivers’ Licences) Regulations 1975*.

10. Schedule 6 amended

Schedule 6 is amended in the item for Class Z, in column 2, by deleting “has a blood alcohol concentration less than 0.02%.” and inserting instead —

“

does not have a blood alcohol content of or above
0.02 g of alcohol per 100 mL of blood.

”.

11. Schedule 9 amended

Schedule 9 is amended in item 3, in the third column, as follows:

- (a) by deleting “the percentage of alcohol in the driver’s blood —” and inserting instead —

“ having a blood alcohol content — ”;

- (b) in paragraph (a), by deleting “is equal to or exceeds 0.05% but is less than 0.06% —” and inserting instead —

“

of or above 0.05 g of alcohol per 100 mL of blood
but less than 0.06 g of alcohol per 100 mL of
blood —

”.

- (c) in paragraph (b), by deleting “is equal to or exceeds 0.06% but is less than 0.07% —” and inserting instead —

“
of or above 0.06 g of alcohol per 100 mL of blood
but less than 0.07 g of alcohol per 100 mL of
blood —

”.

- (d) in paragraph (c), by deleting “is equal to or exceeds 0.07% but is less than 0.08% —” and inserting instead —

“
of or above 0.07 g of alcohol per 100 mL of
blood —

”.

Part 5 — *Road Traffic (Infringements) Regulations 1975*

12. The regulations amended

The amendments in this Part are to the *Road Traffic (Infringements) Regulations 1975*.

13. Schedule 1 amended

Schedule 1 is amended in item 9, in the third column, by deleting “the percentage of alcohol in the driver’s blood equals or exceeds 0.05%” and inserting instead —

“
having a blood alcohol content of or above 0.05 g of
alcohol per 100 mL of blood

”.

Part 6 — *Road Traffic (Urine Sampling and Analysis) Regulations 1983*

14. The regulations amended

The amendments in this Part are to the *Road Traffic (Urine Sampling and Analysis) Regulations 1983*.

15. Schedule amended where it refers to Director of Chemistry Centre (WA)

The Schedule is amended by deleting “Director” in both places where it occurs in Form 3 and inserting instead —

“ chief executive officer ”.

By Command of the Governor,

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

TR302*

Road Traffic Act 1974

Road Traffic (General) Regulations 2008

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Road Traffic (General) Regulations 2008*.

2. Commencement

These regulations come into operation as follows:

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Road Traffic Amendment Act (No. 2) 2007* section 20 comes into operation.

3. Defence for failing to report minor damage

The amount prescribed for the purposes of section 56(6) of the Act is \$3 000.

By Command of the Governor,

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

TR303*

Rail Safety Act 1998

Rail Safety Amendment Regulations 2008

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Rail Safety Amendment Regulations 2008*.

2. Commencement

These regulations come into operation as follows:

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;

- (b) the rest of the regulations — on the day on which the *Road Traffic Amendment Act (No. 2) 2007* section 9 comes into operation.

3. The regulations amended

The amendments in these regulations are to the *Rail Safety Regulations 1999*.

4. Regulation 14 amended

Regulation 14(3) is amended by deleting paragraph (a) and “or” after it and inserting instead —

- “
- (a) apparatus that is breath analysing equipment as defined in the *Road Traffic Act 1974* section 65; or
- ”.

By Command of the Governor,

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

TREASURY AND FINANCE

TF301*

First Home Owner Grant Act 2000

First Home Owner Grant Amendment Regulations 2008

Made by the Governor in Executive Council.

1. Citation

These regulations are the *First Home Owner Grant Amendment Regulations 2008*.

2. Commencement

These regulations come into operation as follows:

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. The regulations amended

The amendments in these regulations are to the *First Home Owner Grant Regulations 2000*.

4. Regulation 8 amended

Regulation 8(3) is amended by deleting “11%” and inserting instead —

“ 12% ”.

By Command of the Governor,

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

TF302*

Taxation Administration Act 2003

Taxation Administration Amendment Regulations 2008

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Taxation Administration Amendment Regulations 2008*.

2. Commencement

These regulations come into operation as follows:

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. The regulations amended

The amendments in these regulations are to the *Taxation Administration Regulations 2003*.

4. Regulation 5 amended

Regulation 5 is amended by deleting “11%” and inserting instead —

“ 12% ”.

By Command of the Governor,

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

— PART 2 —

ENERGY

EN401*

ENERGY COORDINATION ACT 1994

Section 11W

LICENCES AMENDED

Notice is given that the following Trading and Distribution licences have been amended—

| | |
|------------------------|---|
| Licensee: | Wesfarmers Kleenheat Gas Pty Ltd |
| Issue Date: | 26 February 2008 |
| Address of Licensee: | Campus Drive Murdoch WA 6150 |
| Classification: | Gas Trading Licence 10 (GTL10); and Gas Distribution Licence 9 (GDL9) |
| Term of Licences: | GTL10 up to and including 5 September 2011; and GDL9 up to and including 30 September 2021 |
| Amendment: | <ul style="list-style-type: none"> • GTL10: extension of licence area—Great Southern and Wheatbelt gas supply areas as per Plan No. ERA-GAS-009A • GDL9: extension of licence area—Great Southern and Wheatbelt gas supply areas as per Plan No. ERA-GAS-008A |
| Inspection of Licence: | Economic Regulation Authority 6th Floor 197 St Georges Terrace Perth WA 6000 http://www.era.wa.gov.au |

LYNDON G. ROWE, Chairman,
Economic Regulation Authority.

FISHERIES

FI401*

FISH RESOURCES MANAGEMENT ACT 1994

APPROVED DIRECTIONS FOR THE INSTALLATION, USE AND TESTING OF APPROVED AUTOMATIC LOCATION COMMUNICATORS

Notice No. 1 of 2008

FD 10/07

For the purposes of regulation 55AA of the *Fish Resources Management Regulations 1995*, the documents specified in the Schedule are approved directions for the installation, use and testing of automatic location communicators in the Fishery specified in the title of the document.

The Approved Directions Notice signed by the CEO on 4 July 2007 and published in the Gazette on 10 July 2007 is revoked.

Schedule

Approved Directions

| Document Name | Date Document signed |
|---|----------------------|
| Abrolhos Islands and Mid West Trawl Managed Fishery Automatic Location Communicator Approved Directions for Use | 26/03/2001 |

| Document Name | Date Document signed |
|--|-----------------------------|
| Broome Prawn Managed Fishery Automatic Location Communicator Approved Directions | 04/07/2007 |
| Exmouth Gulf Prawn Managed Fishery Automatic Location Communicator Approved Directions for Use | 11/04/2002 |
| Kimberley Prawn Managed Fishery Automatic Location Communicator Approved Directions for Use | 02/05/2002 |
| Mackerel (Interim) Managed Fishery Automatic Location Communicator Approved Directions for Use | 28/03/2006 |
| Nickol Bay Prawn Managed Fishery Automatic Location Communicator Approved Directions for Use | 06/03/2002 |
| Northern Demersal Scalefish Managed Fishery Automatic Location Communicator Approved Directions for Use | 21/12/2000 |
| Onslow Prawn Managed Fishery Automatic Location Communicator Approved Directions for Use | 14/02/2003 |
| Pilbara Fish Trawl (Interim) Managed Fishery Automatic Location Communicator Approved Directions for Use | 14/03/2002 |
| Shark Bay Prawn Managed Fishery Automatic Location Communicator Approved Directions for Use | 03/09/2001 |
| Shark Bay Scallop Managed Fishery Automatic Location Communicator Approved Directions for Use | 20/02/2003 |
| South West Trawl Managed Fishery Automatic Location Communicator Approved Directions | 15/01/2007 |
| Shark Bay Snapper Managed Fishery Automatic Location Communicator Approved Directions | 30/01/2007 |

Dated this 7th day of March 2008.

P. J. MILLINGTON, Chief Executive Officer.

FI402*

FISH RESOURCES MANAGEMENT ACT 1994

WEST COAST DEMERSAL SCALEFISH (INTERIM) MANAGEMENT PLAN 2007

Notice No. 3 of 2008

FD 10/07 [863]

The period of time commencing on 1 April 2008 and ending on 30 April 2008 is specified for the purposes of clause 26 of the *West Coast Demersal Scalefish (Interim) Management Plan 2007*.

Dated this day of 2008.

P. J. MILLINGTON, CEO, Department of Fisheries.

HEALTH

HE401***HEALTH ACT 1911****PERINATAL AND INFANT MORTALITY COMMITTEE (APPOINTMENT OF INVESTIGATOR)
INSTRUMENT 2008**

Made by the Minister for Health under section 340AJ(1) of the Act.

1. Citation

This instrument may be cited as the *Perinatal and Infant Mortality Committee (Appointment of Investigator) Instrument 2008*.

2. Appointments

The appointment of Dr Keren Lee Witcombe as an investigator for the Perinatal and Infant Mortality Committee is approved for a period of three years from the date of appointment.

Date: 6 March 2008.

JIM MCGINTY MLA, Minister for Health.

HE402**MEDICAL ACT 1894****MEDICAL (UNMET AREA OF NEED) DETERMINATION (NO. 4) 2008**

Made by the Minister for Health pursuant to section 11AF of the *Medical Act 1894*.

Citation

1. This determination may be cited as the *Medical (Unmet Area of Need) Determination (No. 4) 2008*.

Commencement

2. This determination comes into operation on the day on which it is published in the *Government Gazette*.

Unmet area of need

3. The area of need specified in the Schedule is determined to be an unmet area of need for the purposes of section 11AF(1)D of the Act.

Expiry of determination

4. This determination expires two years after its commencement.

SCHEDULE

General Medical Services (after hours) in the suburb of Ellenbrook in the City of Swan.

Dated this 6th day of March 2008.

JIM MCGINTY MLA, Minister for Health.

HE403***HUMAN TISSUE AND TRANSPLANT ACT 1982****NON-CORONIAL POST-MORTEM EXAMINATIONS
AMENDMENT CODE OF PRACTICE 2008**

Issued by the Executive Director, with the approval of the Minister for Health, under Section 32A (1) of the *Human Tissue and Transplant Act 1982*.

1. Citation

This code may be cited as the *Non-Coronial Post-Mortem Examinations Amendment Code of Practice 2008*.

2. Commencement

This code comes into operation as follows—

- (a) clauses 1 and 2—on the day on which the code is published in the *Gazette* (“Gazettal day”);
- (b) the rest of the clauses—on the day after Gazettal day.

3. The Code amended

The amendments in this code are to the *Non-Coronial Post-Mortem Examinations Code of Practice 2007*.

4. Clause 4 amended

Clause 4 is amended by deleting the definition of “tissue” and inserting instead—

“ **“tissue”** has the meaning given to that term in the *Human Tissue and Transplant Act 1982* section 3(1). ”.

5. Clause 16 substituted

Clause 16 is revoked and the following substituted—

“ (1) The post-mortem co-ordinator shall ensure that there is maintained at the hospital, and kept up to date, in relation to any non-coronial post-mortem examination which is carried out, a register which includes the following information—

- (a) a description of any tissue retained;
- (b) an indication of when the non-coronial post-mortem examination to which the tissue relates was carried out and the deceased person on whom it was carried out;
- (c) an indication of when the approved consent form was signed, and any limitations placed by the senior available next of kin on that retention;
- (d) an indication of any use of that retained tissue (ie for diagnostic purposes and/or non-diagnostic purposes as may have been authorised by the senior available next of kin) and when any such use was completed;
- (e) an indication of when any retained tissue was disposed of by the hospital.

(2) In this clause—

“ **“tissue”** means a whole or a substantial part of a visibly recognisable functional unit of the body such as the brain, heart and liver, but does not include the small tissue samples that are required to be taken for testing by microscopic examination as part of every non-coronial post-mortem examination. ”.

6. Clause 19 amended

Clause 19 is amended by—

(a) deleting “Code” where it last appears in subclause (2) and inserting instead—

“clause”, and

(b) deleting subclause (3) and inserting instead –

“ (3) In this clause—

“the repealed Code” means the *Non-Coronial Post-Mortem Examinations Code of Practice 2002*;

“tissue” has the meaning given to that term in clause 16(2). ”.

Dr MARGARET STEVENS, Acting Executive Director,
Public Health.

HERITAGE

HR401*

HERITAGE OF WESTERN AUSTRALIA ACT 1990

ENTRY OF PLACES IN THE REGISTER OF HERITAGE PLACES

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

Schedule 1

Description of Place

Clayton Farm at 53 Clayton Road, Helena Valley; Ptn of Lot 27 on Plan 4508 being the part of the land contained in C/T V: 162 F: 90A as is defined in HCWA Survey Drawing No: 3839 as amended & prepared by Warren King & Company & Midland Survey Services & dated 6 November 2007.

Convent and School-Church of Our Lady of Fatima, Nanson at Chapman Valley Road, Nanson; Ptn of Lot 111 on DP159252 being part of Res 21544 & part of the land contained in CLT V 3141 F 989 & ptn of Lot 112 on DP 159252 being part of the land contained in C/T V 1057 F 591 as is defined in HCWA Survey Drawing No 0473 prepared by Whelans.

Matso's Store & Captain Gregory's House (fmr) at 60 Hamersley Street, Broome; Lot 1 on Diagram 69611 being the whole of the land contained in C/T V 1725 F 328 & Lot 2 on Diagram 69611 being the whole of the land contained in C/T V 2101 F 149.

Dated 14 March 2008,

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

HOUSING AND WORKS

HW401*

COUNTRY HOUSING ACT 1998 STANDARD RATE OF INTEREST

Notice is hereby given, in accordance with Section 40 of the *Country Housing Act 1998* that the standard rate of interest to apply for assistance provided under this Act is 8.85% effective from April 10, 2008.

LOCAL GOVERNMENT

LG401*

LOCAL GOVERNMENT ACT 1995 *Shire of Augusta-Margaret River* BASIS OF RATES

Department of Local Government
and Regional Development.

DLGRD: AM5-4#05

It is hereby notified for public information that in accordance with the provisions of section 6.28 of the *Local Government Act 1995*, the A/Director General of the Department of Local Government and Regional Development under delegation from the Hon Ljiljanna Ravlich MLC, Minister for Local Government, being charged for the time being with the administration of the *Local Government Act 1995*, has determined that the method of valuing the land described in the Schedules hereunder shall be gross rental value for the purposes of rating with effect from 17 December 2007.

ROSS WEAVER, A/Director General.

SCHEDULE

ADDITIONS TO GROSS RENTAL VALUE AREA SHIRE OF AUGUSTA-MARGARET RIVER

All those portions of land comprised in the schedules below—

SCHEDULE "A"

All that portion of land being Lot 1 and Lot 5 as shown on Plan 16804; Lot 66 as shown on Plan 17862; Lot 2 as shown on Plan 17901; Lot 12 as shown on Plan 18035; Lot 53 as shown on Plan 18659; Lot 1 as shown on Plan 18675; Lot 11 and Lot 14 as shown on Plan 21187; Lot 4 as shown on Plan 21583; Lots 51 to 53 inclusive and Lots 65 to 69 inclusive as shown on Plan 24011; Lots 54 to 58 inclusive and Lots 71 to 75 inclusive as shown on Plan 24012; and Lots 61 to Lot 64 inclusive, Lot 70 and Lots 76 to 85 inclusive as shown on Plan 24013.

SCHEDULE "B"

All that portion of land being Lot 50 as shown on Diagram 14264; Lot 1 as shown on Diagram 17668; Lot 4 as shown on Diagram 17876; Lot 2 as shown on Diagram 18333; Lot 50 as shown on Diagram 18424; Lot 1 as shown on Diagram 23457; Lot 1 as shown on Diagram 24382; Lot 1 as shown on Diagram 25353; Lot 10 as shown on Diagram 26202; Lot 1 as shown on Diagram 26772; Lot 1 as shown on Diagram 26775; Lot 2 as shown on Diagram 27565; Lot 6 as shown on Diagram 41587; Lot 4 as shown on Diagram 41637; Lot 1 as shown on Diagram 45566; Lot 12 as shown on Diagram 47396; Lot 1 as shown on Diagram 48991; Lot 1 as shown on Diagram 51558; Lot 2 as shown on Diagram 52333; Lot 2 and Lot 3 as shown on Diagram 54933; Lot 1 as shown on Diagram 55241; Lot 6 as shown on Diagram 56061; Lot 1 as shown on Diagram 56345; Lot 1 as shown on Diagram 59053; Lot 2 as shown on Diagram 64194; Lot 1 as shown on Diagram 65237; Lot 1 and Lot 2 as shown on Diagram 65674; Lot 3 as shown on Diagram 65675; Lot 10 as shown on Diagram 65830; Lot 11 as shown on Diagram 68417; Lot 1 as shown on Diagram 73405; Lot 3 as shown on Diagram 76384; Lot 12 as shown on Diagram 80295; Lot 11 as shown on Diagram 80501; Lot 6 as shown on Diagram 85073; Lot 20 as shown on Diagram 85648; Lot 1 as shown on Diagram 87817; Lot 20 as shown on Diagram 89941; Lot 20 as shown on Diagram 91672; Lot 1 as shown on Diagram 92840; Lot 31 and Lot 32 as shown on Diagram 99174 and Lot 152 as shown on Diagram 100685.

SCHEDULE "C"

All that portion of land being Lot 11 as shown on Deposited Plan 24800; Lot 11 as shown on Deposited Plan 25522; Lot 401 as shown on Deposited Plan 27771; Lot 85 as shown on Deposited Plan 28379; Lot 70 and Lot 71 as shown on Deposited Plan 32061; Lot 122 as shown on Deposited Plan 32799; Lot 22 as shown on Deposited Plan 38113; Lot 103 as shown on Deposited Plan 40323; Lot 412 as shown

on Deposited Plan 48000; Lot 607 as shown on Deposited Plan 128552; Lot 3840 as shown on Deposited Plan 131670; Lot 918 as shown on Deposited Plan 135628; Lot 3734 as shown on Deposited Plan 153275; Lot 3716 as shown on Deposited Plan 153379; Lot 4327 as shown on Deposited Plan 163689; Lot 4196 as shown on Deposited Plan 166238; Lot 4488 as shown on Deposited Plan 173236; Lot 4313 as shown on Deposited Plan 173733; Lot 4493 as shown on Deposited Plan 173491; Lot 4763 as shown on Deposited Plan 186112; Lot 1068 as shown on Deposited Plan 203073; Lot 3782 as shown on Deposited Plan 203107; Lot 4657 as shown on Deposited Plan 214330; Lot 51 as shown on Deposited Plan 230885; Lot 4534 as shown in Deposited Plan 250861; Lot 1353 as shown on Deposited Plan 252519 and Lot 343 as shown on Deposited Plan 254480.

SCHEDULE "D"

All that portion of land being Lot 800 as shown on Certificate of Title Volume 1077 Folio 826; Lot 801 as shown on Certificate of Title Volume 1077 Folio 827; Lot 521 as shown on Certificate of Title Volume 1118 Folio 261; Lot 441 as shown on Certificate of Title Volume 1631 Folio 663 and Lot 167 as shown on Certificate of Title Volume 1907 Folio 674.

SCHEDULE "E"

All those portions of land delineated in black and coloured green as shown on Deposited Plan 59347.

LG402**TOWN OF BASSENDEAN*

Appointment of Ranger

It is hereby notified for public information that Janita Fowler and Christopher Del Borrello have been appointed as Rangers, effective from Saturday, 23 February 2008. They are authorised officer under the following Acts and are required to enforce the—

- i. Dog Act 1976 and Regulations
- ii. Litter Act 1979
- iii. Local Government Act 1995
- iv. Council Local Laws
- v. Control of Vehicles (Off-road areas) Act 1978
- vi. Bush Fires Act

The appointment of Darren Lowden, Lynda Gallagher and Cavell Altman as authorised officers under the abovementioned Acts and local laws are hereby cancelled from 5 March 2008.

Date 6 March 2008.

G. EVERSLED, Chief Executive Officer.

MINERALS AND PETROLEUM

MP401***MINING ACT 1978**

INSTRUMENT OF EXEMPTION OF LAND

Extension of Term

The Minister for Energy, Resources, Industry And Enterprise, pursuant to the powers conferred by Section 19 of the *Mining Act 1978*, hereby extends the term of the instrument of exemption of land that was declared on 8 March 2006 and published in the *Government Gazette* dated 24 March 2006 for a further period of two (2) years expiring on 7 March 2010.

Description of Land—

Land designated S19/297 in Tengraph. A geospatial description is filed at Page 2 of Department of Industry and Resources File No. A0446/200601.

Area: 66.79 hectares

Location: Eurardy

Dated at Perth this 1st day of March 2008.

FRANCIS LOGAN, MLA, Minister For Energy,
Resources, Industry and Enterprise.

MP402***MINING ACT 1978
FORFEITURES**

Department of Industry and Resources,
Perth WA 6000.

I hereby declare in accordance with the provisions of sections 96A(1) and 97(1) of the *Mining Act 1978* that the undermentioned mining tenements are forfeited for breach of covenant viz; failure to comply with the prescribed expenditure conditions.

FRANCIS LOGAN MLA,
Minister for Energy; Resources; Industry and Enterprise.

| NUMBER | HOLDER | MINERAL FIELD |
|----------------------------|--|----------------|
| EXPLORATION LICENCE | | |
| 04/1168 | Waterford Bay Pty Ltd | West Kimberley |
| MINING LEASE | | |
| 70/835 | Philip Garry Patterson Wendy Dianne Patterson Diane Margaret Shiner William Paul Shiner | South West |

MP403***MINING ACT 1978
FORFEITURES**

Department of Industry and Resources,
Perth WA 6000.

I hereby declare in accordance with the provisions of section 97(1) of the *Mining Act 1978* that the undermentioned Mining Lease is forfeited for breach of covenant viz; non payment of rent.

FRANCIS LOGAN MLA,
Minister for Energy; Resources; Industry and Enterprise.

| NUMBER | HOLDER | MINERAL FIELD |
|---------------------|----------------------|---------------|
| MINING LEASE | | |
| 52/638 | Donald William Davis | Peak Hill |

MP404***MINING ACT 1978
FORFEITURES**

Department of Industry and Resources,
Perth WA 6000.

I hereby declare in accordance with the provisions of section 96A(1) of the *Mining Act 1978* that the undermentioned exploration licences are forfeited for breach of covenant viz; non payment of rent.

FRANCIS LOGAN MLA,
Minister for Energy; Resources; Industry and Enterprise.

| NUMBER | HOLDER | MINERAL FIELD |
|-----------------------------|---|---------------|
| EXPLORATION LICENCES | | |
| 09/1271 | Nikiticorp Australia Pty Ltd | Gascoyne |
| 37/736 | David Andrew Evans Golden Rose Pty Ltd Harvey David Jeremy Snaith | Mt Margaret |

MP405*

MINING ACT 1978**FORFEITURES**Department of Industry and Resources,
Perth WA 6000.

I hereby declare in accordance with the provisions of sections 96A(1) of the *Mining Act 1978* that the undermentioned exploration licences are forfeited for breach of covenant viz; failure to comply with the prescribed expenditure conditions.

FRANCIS LOGAN MLA,
Minister for Energy; Resources; Industry and Enterprise.

| NUMBER | HOLDER | MINERAL FIELD |
|----------------------------|--|---------------|
| EXPLORATION LICENCE | | |
| 46/624 | Roy Hill Station Pyt Ltd | Pilbara |
| 46/626 | Roy Hill Station Pyt Ltd | Pilbara |
| 46/627 | Roy Hill Station Pyt Ltd | Pilbara |
| 46/628 | Roy Hill Station Pyt Ltd | Pilbara |
| 70/2747 | Wouter Denig Gerald Walsh Jean Walsh | South West |

MP406*

MINING ACT 1978**FORFEITURES**Department of Industry and Resources,
Perth WA 6000.

I hereby declare in accordance with the provisions of section 96A(1) and 97(1) of the *Mining Act 1978* that the undermentioned exploration licences and mining lease are forfeited for breach of covenant viz; non payment of rent.

FRANCIS LOGAN MLA,
Minister for Energy; Resources; Industry and Enterprise.

| NUMBER | HOLDER | MINERAL FIELD |
|----------------------------|-----------------------------|---------------|
| EXPLORATION LICENCE | | |
| 46/681 | Adam Frank Hill | Pilbara |
| 69/1851 | Diamond Exploration Pty Ltd | Warburton |
| 69/1852 | Diamond Exploration Pty Ltd | Warburton |
| MINING LEASE | | |
| 70/741 | ADE Environmental Pty Ltd | South West |

PARLIAMENT

PA401*

PARLIAMENT OF WESTERN AUSTRALIA**ROYAL ASSENT TO BILL**

It is hereby notified for public information that the Governor has Assented in the name and on behalf of Her Majesty the Queen, on the date shown, to the undermentioned Bill passed by the Legislative Council and the Legislative Assembly during the First Session of the Thirty-Seventh Parliament.

| Short Title of Bill | Date of Assent | Act No. |
|---|----------------|-----------|
| Terrorism (Preventative Detention) Amendment Act 2008 | 5 March 2007 | 1 of 2008 |

Dated 11 March 2008.

MALCOLM PEACOCK, Clerk of the Parliaments.

PLANNING AND INFRASTRUCTURE

PI401*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT

Shire of Boddington

Town Planning Scheme No. 2—Amendment No. 13

Ref: 853/6/15/2 Pt13

It is hereby notified for public information, in accordance with section 87 of the Planning and Development Act 2005 that the Minister for Planning and Infrastructure approved the Shire of Boddington local planning scheme amendment on 12 February 2008 for the purpose of—

1. Amending the Scheme Text by adding the following as “Part VII—Special Control Areas”.

PART VII SPECIAL CONTROL AREAS

7.1 Operation of special control areas

7.1.1 The following special control areas are shown on the Scheme Map—

- (a) Development Areas shown on the Scheme Map as DA with a number and included in Appendix 13.
- (b) Development Contribution Areas shown on the Scheme map as DCA with a number and included in Appendix 14.

7.1.2 In respect of a Special Control Area shown on a Scheme Map, the provisions applying to the special control area apply in addition to the provisions applying to any underlying zone or reserve and any general provisions of the Scheme.

7.2 Development Areas

7.2.1 Interpretation

In clause 7.2, 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 7.2.

7.2.2 Purpose of Development Areas

7.2.2.1 The purposes of Development Areas are to

- (a) identify areas requiring comprehensive planning; and
- (b) coordinate subdivision and development in areas requiring comprehensive planning.

7.2.2.2 Appendix 13 describes the Development Areas in detail and sets out the specific purposes and requirements that apply to the Development Areas.

7.2.3 Subdivision and Development in Development Areas

7.2.3.1 The development of land within a Development Area is to comply with Appendix 13;

7.2.3.2 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.

7.2.4 Structure Plan Required

7.2.4.1 The local government is not to—

- (a) consider recommending subdivision; or
- (b) 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.

7.2.4.2 Notwithstanding clause 7.2.4.1, 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.

7.2.5 Preparation of Structure Plans

7.2.5.1 A proposed structure plan may be prepared by—

- (a) the local government; or
- (b) an owner.

7.2.5.2 A proposed structure plan may be prepared for all, or part of, a Development Area.

7.2.6 Details of proposed structure plan

7.2.6.1 A proposed structure plan is to contain the following details—

- (a) a map showing the area to which the proposed structure plan is to apply;

- (b) a site analysis map showing the characteristics of the site including—
 - (i) landform, topography and land capability;
 - (ii) conservation and environmental values including bushland, wetlands, damp lands, streams and water courses, foreshore reserves and any environmental policy areas;
 - (iii) hydrogeological conditions, including approximate depth to water table;
 - (iv) site and features of Aboriginal and European heritage value;
- (c) a context analysis map of the immediate surrounds to the site including—
 - (i) the pattern of neighbourhoods, and existing and planned neighbourhood, town and regional centres;
 - (ii) transport routes, including neighbourhood connector alignments, public transport routes, strategic cycle routes and bus stops;
 - (iii) existing and future land use;
- (d) for district structure plans a map showing proposals for—
 - (i) the pattern of neighbourhoods around town and neighbourhood centres;
 - (ii) arterial routes and neighbourhood connector streets;
 - (iii) the protection of natural features such as water courses and vegetation;
 - (iv) major open spaces and parklands;
 - (v) major public transportation routes and facilities;
 - (vi) the pattern and disposition of land uses; and
 - (vii) schools and community facilities;
- (e) for local structure plans a map showing proposals for—
 - (i) neighbourhoods around proposed neighbourhoods and town centres;
 - (ii) existing and proposed commercial centres;
 - (iii) natural features to be retained;
 - (iv) street block layouts;
 - (v) the street network including street types;
 - (vi) transportation corridors, public transport network, and cycle and pedestrian networks;
 - (vii) land uses including residential densities and estimates of population;
 - (viii) schools and community facilities;
 - (ix) public parklands;
 - (x) urban water management areas;
- (f) a written report to explain the mapping and to address the following—
 - (i) 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;
 - (ii) the site analysis including reference to the matters listed in clause 7.2.6.1 (b) above, and, in particular, the significance of the conservation, environmental and heritage values of the site;
 - (iii) the context analysis including reference to the matters listed in clause 7.2.6.1 (c) above;
 - (iv) how planning for the structure plan area is to be integrated with the surrounding land;
 - (v) the design rationale for the proposed pattern of subdivision, land use and development;
 - (vi) traffic management and safety;
 - (vii) parkland provision and management;
 - (viii) urban water management;
 - (ix) proposals for public utilities including sewerage, water supply, drainage, gas, electricity and communication services;
 - (x) the proposed method of implementation including any cost sharing arrangements and details of any staging of subdivision and development.

7.2.6.2 The maps referred to in clause 7.2.6.1 are to—

- (a) be drawn to a scale that clearly illustrates the details referred to in clause 7.2.6.1; and
- (b) include a north point, visual bar scale, key street names and a drawing title and number.

- 7.2.6.3 A proposed structure plan may, to the extent that it does not conflict with a Scheme, impose a classification on the land included in it by reference to reserves, zones or the Residential Design 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 Design Codes when recommending subdivision or approving development of land within a Development Area.
- 7.2.6.4 A proposed structure plan must, in the opinion of the local government, be consistent with orderly and proper planning.
- 7.2.7 Submission to local government and Commission
- 7.2.7.1 A proposed structure plan prepared by an owner is to be submitted to the local government.
- 7.2.7.2 Within 7 days of preparing or receiving a proposed structure plan which proposes the subdivision of land, the local government is to forward a copy of the proposed structure plan to the Commission.
- 7.2.7.3 The Commission is to provide comments to the local government as to whether it is prepared to endorse the proposed structure plan with or without modifications.
- 7.2.7.4 The Commission must provide its comments to the local government within 30 days of receiving the proposed structure plan.
- 7.2.8 Advertising of structure plan
- 7.2.8.1 Within 60 days of preparing or receiving a proposed structure plan that conforms with clause 7.2.6 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—
- (a) 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—
 - (i) notice of the proposed structure plan published in a newspaper circulating in the Scheme area;
 - (ii) 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
 - (b) give notice or require the owner who submitted the proposed structure plan to give notice, in writing to—
 - (i) all owners whose land is included in the proposed structure plan;
 - (ii) 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;
 - (iii) such public authorities and other persons as the local government nominates.
- 7.2.8.2 The advertisement and notice are to—
- (a) explain the scope and purpose of the proposed structure plan;
 - (b) specify when and where the proposed structure plan may be inspected; and
 - (c) 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.
- 7.2.9 Adoption of proposed structure plan
- 7.2.9.1 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—
- (a) adopt the proposed structure plan, with or without modifications; or
 - (b) refuse to adopt the proposed structure plan and, where the proposed structure was submitted by an owner, give reasons for this to the owner.
- 7.2.9.2
- (a) In making a determination under clause 7.2.9.1, the local government is to have due regard to the comments and advice received from the Commission in relation to the proposed structure plan.
 - (b) 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 7.2.9.1.
- 7.2.9.3 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—
- (a) readvertise the proposed structure plan; or
 - (b) require the owner who submitted the proposed structure plan to readvertise the proposed structure plan;
- and thereafter, the procedures set out in clause 7.2.8.1 onwards are to apply.

- 7.2.9.4 If within the period referred to in clause 7.2.9.1, 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 7.2.9.1, the local government is deemed to have refused to adopt the proposed structure plan.
- 7.2.10 Endorsement by Commission
- 7.2.10.1 If the proposed structure plan proposes the subdivision of land, then within 7 days of making its determination under clause 7.2.9.1, the local government is to forward the proposed structure plan to the Commission for its endorsement.
- 7.2.10.2 As soon as practicable after receiving the proposed structure plan, the Commission is to determine whether to endorse the proposed structure plan.
- 7.2.10.3 The Commission is to notify the local government of its determination under clause 7.2.10.2.
- 7.2.11 Notification of structure plan
- 7.2.11.1 As soon as practicable after adopting a proposed structure plan under clause 7.2.9.1 and if clause 7.2.10 applies, as soon as practicable after being notified of the Commission's decision under clause 7.2.10.3, the local government is to forward a copy of the structure plan to—
- (a) any public authority or person that the local government thinks fit; and
 - (b) where the structure plan was submitted by an owner, to the owner.
- 7.2.12 Operation of structure plan
- 7.2.12.1 A structure plan comes into effect—
- (a) where the structure plan proposes the subdivision of land, on the day on which it is endorsed by the Commission pursuant to clause 7.2.10.2; or
 - (b) on the day on which it is adopted by the local government under clause 7.2.9.1 in all other cases.
- 7.2.12.2 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.
- 7.2.13 Inspection of structure plan
- 7.2.13.1 The structure plan and the Commission's notification under clause 7.2.10.3 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.
- 7.2.14 Variation to structure plan
- 7.2.14.1 The local government may vary a structure plan—
- (a) by resolution if, in the opinion of the local government, the variation does not materially alter the intent of the structure plan;
 - (b) otherwise, in accordance with the procedures set out in clause 7.2.6 onwards.
- 7.2.14.2 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.
- 7.2.14.3 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.
- 7.2.14.4 As soon as practicable after receiving a copy of the variation referred to in clause 7.2.14.3, the Commission is to determine whether to endorse the proposed variation.
- 7.2.14.5 The Commission is to notify the local government of its determination under clause 7.2.14.4.
- 7.2.14.6 A variation to a structure plan by resolution comes into effect—
- (a) where the variation proposes the subdivision of land, on the day on which it is endorsed by the Commission pursuant to clause 7.2.14.4; or
 - (b) on the day on which the local government resolves to make the variation under clause 7.2.14.1(a).
- 7.2.15 Detailed Area Plan
- 7.2.15.1 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—
- (a) the local government; or
 - (b) an owner.
- 7.2.15.2 A detailed area plan may include details as to—
- (a) building envelopes;
 - (b) distribution of land uses within a lot;
 - (c) private open space;

- (d) services;
 - (e) vehicular access, parking, loading and unloading areas, storage yards and rubbish collection closures;
 - (f) the location, orientation and design of buildings and the space between buildings;
 - (g) advertising signs, lighting and fencing;
 - (h) landscaping, finished site levels and drainage;
 - (i) protection of sites of heritage, conservation or environmental significance;
 - (j) special development controls and guidelines; and
 - (k) such other information considered relevant by the local government.
- 7.2.15.3 When a proposed detailed area plan is prepared under clause 7.2.15.1, the local government is to—
- (a) advertise, or require the owner who submitted the proposed detailed area plan to advertise, the proposed detailed area plan for public inspection by one of more of the following ways—
 - (i) notice of the proposed detailed area plan published in a newspaper circulating in the Scheme area;
 - (ii) 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
 - (b) give notice or require the owner who submitted the proposed detailed area plan to give notice, in writing to—
 - (i) all owners whose land is included in the proposed detailed area plan;
 - (ii) 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;
 - (iii) such public authorities and other persons as the local government nominates.
- 7.2.15.4 The advertisement and notice are to—
- (a) explain the scope and purpose of the proposed detailed area plan;
 - (b) specify when and where the proposed detailed area plan may be inspected; and
 - (c) invite submissions to the local government by a specified date being not less than 21 day after the giving or erection of the notice or publication of the advertisement, as the case requires.
- 7.2.15.5 The local government is to consider all submissions received and—
- (a) approve the detailed area plan with or without conditions; or
 - (b) 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;
- 7.2.15.6 If within 60 days of receiving a detailed area plan prepared under clause 7.2.15.1(b), 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 7.2.15.5, the local government is deemed to have refused to approved the detailed area plan.
- 7.2.15.7 Once approved by the local government, the detailed area plan constitutes a variation of the structure plan.
- 7.2.15.8 The local government may vary a detailed area plan in accordance with the procedures set out in clause 7.15 onwards provided such variations do not prejudice the intention of any related structure plan.
- 7.2.16 Appeal
- 7.2.16.1 An owner who has submitted a proposed structure plan under clause 7.2.7.1 may appeal, under Part 14 of the Planning and Development Act—
- (a) 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 7.2.8.1;
 - (b) any determination of the local government—
 - (i) to refuse to adopt a proposed structure plan (including a deemed refusal); or
 - (ii) to require modifications to a proposed to a proposed structure plan that are unacceptable to that owner.
- 7.2.16.2 An owner who has submitted a detailed area plan in accordance with clause 7.2.15 may appeal, in accordance with Part 14 of the Planning and Development Act, any discretionary decision made by the local government under clause 7.2.15.

7.3 Development Contribution Areas

7.3.1 Interpretation

In clause 7.3, unless the context otherwise requires—

‘Administrative Costs’ means such costs as are necessary for the implementation of the Development Contribution Plan;

‘Cost Apportionment Schedule’ means a schedule prepared and distributed in accordance with clause 7.3.10;

‘Cost Contribution’ means the contribution to the cost of Infrastructure and Administrative Costs;

‘Infrastructure’ means services and facilities which, in accordance with the Commission’s policy, it is reasonable for owners to make a Cost Contribution towards; and

‘Owner’ means an owner of land that is located within a Development Contribution Area.

7.3.2 Purpose

The purpose of having Development Contribution Areas is to—

- (a) provide for the equitable sharing of the costs of Infrastructure and Administrative Costs between Owners;
- (b) ensure that Cost Contributions are reasonably required as a result of the subdivision and development of land in the Development Contribution Area.
- (c) coordinate the timely provision of Infrastructure.

7.3.3 Development Contribution Plan

A Development Contribution Plan is required to be prepared for each Development Contribution Area.

7.3.4 Development Contribution Plan part of scheme

The Development Contribution Plan does not have effect until it has been incorporated in Appendix 14 as part of the Scheme.

7.3.5 Subdivision and Development

7.3.5.1 The local government is not to—

- (a) consider recommending subdivision; or
- (b) approve development of land within a Development Contribution Area until—
 - (i) a Development Contribution Plan is in effect; or
 - (ii) the Owner who has applied for subdivision or development approval has made arrangements in accordance with clause 7.3.14 for the payment of the Owner’s Cost Contribution.

7.3.5.2 Where a Development Contribution Plan is not in effect, the local government may support subdivision or approve development where the Owner has made other arrangements satisfactory to the local government with respect to the Owner’s contribution towards the provision of Infrastructure and Administrative Costs in the Development Contribution Area.

7.3.6 Guiding Principles for Development Contribution Plans

The Development Contribution Plan for any Development Contribution Area is to be prepared in accordance with the following principles—

- (a) it is to provide for Cost Contributions to only the cost of such Infrastructure and Administrative Costs as fairly and reasonably relate to, and are reasonably required as a result of, the subdivision and development of land in the Development Contribution Area;
- (b) it is to provide for Cost Contributions generally in accordance with the Commission’s policies on developer contributions for Infrastructure;
- (c) matters requiring land contribution, such as public open space, are to be treated as the cost of Infrastructure with any necessary adjustments to establish, where appropriate, a money equivalent; and
- (d) Cost Contributions are to be based upon the proportion that the area of that Owner’s land bears to the total area of land within the Development Contribution Area for which Cost Contributions have yet to be made.

7.3.7 Recommended content of Development Contribution Plans

7.3.7.1 The Development Contribution Plan is to specify—

- (a) the Development Contribution Area to which the Development Contribution Plan applies;
- (b) the Infrastructure and Administrative Costs to be funded through the Development Contribution Plan;
- (c) the method of determining the Cost Contribution of each Owner; and
- (d) the priority and timing for the provision of Infrastructure.

7.3.8 Period of Development Contribution Plan

A Development Contribution Plan may specify the period during which it is to operate.

7.3.9 Land excluded

In calculating both the area of an Owner's land and the total area of land in a Development Contribution Area, the area of land provided or required in that Development contribution Area for—

- (a) roads designated under the Peel Region Scheme as Primary Regional Roads and Other Regional Roads;
- (b) existing public open space;
- (c) government primary and secondary schools; and
- (d) such other land as is set out in the Development Contribution Plan, is to be excluded.

7.3.10 Cost Apportionment Schedule

7.3.10.1 Within 90 days of the Gazettal date of the Development Contribution Plan, the local government is to distribute a Cost Apportionment Schedule to all Owners in the Development Contribution Area.

7.3.10.2 The Cost Apportionment Schedule sets out in detail the calculation of the Cost Contribution for each Owner in the Development Contribution Area.

7.3.10.3 The Cost Apportionment Schedule does not form part of the Scheme.

7.3.11 Cost Contributions based on estimates

7.3.11.1 The value of Infrastructure and Administrative Costs is to be based on amounts expended, but when expenditure has not occurred, it is to be based on the best and latest estimated costs available to the local government.

7.3.11.2 Where a Cost Apportionment Schedule contains estimated costs, such estimated costs are to be reviewed at least annually by the local government—

- (a) in the case of land to be acquired, in accordance with clause 7.3.12
- (b) in all other case, in accordance with the best and latest information available to the local government,

until the expenditure on the relevant item of Infrastructure or Administrative Costs has occurred.

7.3.11.3 the local government is to have such estimated costs independently certified by an appropriate qualified person and must provide such independent certification to an owner where requested to do so.

7.3.11.4 Where any Cost Contribution has been calculated on the basis of an estimated cost, the local government—

- (a) is to adjust the Cost Contribution of any Owner in accordance with the revised estimated costs; and
- (b) may accept a Cost Contribution, based upon estimated costs, as a final Cost Contribution and may enter into an agreement with an Owner accordingly.

7.3.11.5 Where an Owner's Cost Contribution is adjusted under clause 7.3.11.4, the local government, on receiving a request in writing from an Owner, is to provide the owner with a copy of estimated costs and the calculation of adjustments.

7.3.12 Valuation

7.3.12.1 Clause 7.3.12 applies in order to determine the value of land to be acquired for the purpose of providing Infrastructure.

7.3.12.2 In clause 7.3.12

'Value' means fair net expectance value which is to be calculated by determining the highest and best use of the land in its inglobo state either on its own or with other land ripe for subdivision and adding a margin for profit foregone had the land been able to be subdivided in its optimum form including allowances for all usual costs and expenses attributed to that land required to carry out such an exercise but not including an allowance for risk as might otherwise have been made.

'Profit' is to be 10% calculated by the difference between—

- (a) the gross realisation of the lots or part lots yielded from the subject land less the advertising and legal expenses so required to sell the lots; and
- (b) the amount of (a) divided by 1.1.

'Valuer' means a licensed valuer agreed by the local government and the Owner, or where the local government and the owner are unable to reach agreement, a valuer appointed by the President of the Western Australian Division of the Australian Property Institute.

7.3.12.3 If an Owner objects to a valuation made by the Valuer, the Owner may give notice to the local government requesting a review of the amount of the Value, at the Owner's expense, within 28 days after being informed of the Value.

7.3.12.4 If the Valuer does not change the Value of the land to a figure acceptable to the owner, the Value is to be determined—

(a) by any method agreed between the local government and the owner;
or

(b) if the local government and the Owner cannot agree, by arbitration in accordance with the Commercial Arbitration Act 1985.

7.3.13 Liability for Cost Contributions

7.3.13.1 An Owner is required to make a Cost Contribution in accordance with the applicable Development Contribution Plan and the provisions of clause 7.3.

7.3.13.2 An Owner's liability to pay the Owner's Cost Contribution to the local government arises on the earlier of—

(a) the Commission endorsing its approval on the Diagram or Plan of Survey of the subdivision of the Owner's land within the Development Contribution Area;

(b) the commencement of any development on the Owner's land within the Development Contribution Area; or

(c) the time of applying to the local government or Commission for approval of any development on the Owner's land within the Development Contribution Area.

7.3.13.3 Notwithstanding clause 7.3.13.2, an Owner's liability to pay the Owner's Cost Contribution does not arise if the Owner commences development of the first single house or outbuildings associated with that first single house on an existing lot which has not been subdivided since the Gazettal of the Development Contribution Plan.

7.3.14 Payment of Cost Contribution

7.3.14.1 (a) The Owner, with the agreement of the local government, is to pay the Owner's Cost Contribution by—

(i) cheque or cash;

(ii) transferring to the local government or a public authority land in satisfaction of the Cost Contribution;

(iii) some other method acceptable to the local government; or

(iv) any combination of these methods.

7.3.14.2 The Owner, with the agreement of the local government, may pay the Owner's Cost Contribution in a lump sum, by instalments or in such other manner acceptable to the local government.

7.3.14.3 Payment by an Owner of the Contribution, including a Cost Contribution based upon estimated costs, constitutes full and final discharge of the Owner's liability under the Development Contribution Plan.

7.3.15 Charge on land

7.3.15.1 The amount of any Cost Contribution for which an Owner is liable under clause 7.3.13, but has not paid, is a charge on the Owner's land to which the Cost Contribution relates, and the local government may lodge a caveat, at the owner's expense, against the Owner's title to that land.

7.3.15.2 The local government, at the Owner's expense and subject to such other conditions as the local government thinks fit, is to withdraw a caveat lodged under clause 7.3.15.1 to permit a dealing and then re-lodge the caveat to prevent further dealings.

7.3.15.3 If the Cost Contribution is paid in full, and if requested to do so by the Owner, the local government, at the expense of the Owner, is to withdraw any caveat lodged in accordance with clause 7.3.15.

7.3.16 Administration of Funds

7.3.16.1 The local government is to establish and maintain a reserve account in accordance with the Local Government Act 1995 for each Development Contribution Area into which Cost Contributions for that Development Contribution Area will be credited and from which all payments for the cost of Infrastructure and Administrative Costs within that Development Contribution Area will be paid. The purpose of such a reserve account or the use of money in such a reserve account is limited to the application of funds for that Development Contribution Area.

7.3.16.2 Interest earned on Cost Contributions credited to a reserve account in accordance with clause 7.3.16.1 is to be applied in the Development Contribution Area to which the reserve account relates.

7.3.16.3 The local government is to provide to every Owner who has a liability to make a Cost Contribution an audited annual statement of accounts for that Development Contribution Area as soon as practicable after the audited annual statement of accounts becomes available.

7.3.17 Shortfall or Excess in Cost Contributions

7.3.17.1 If there is a shortfall in the total of Cost Contributions when all Cost Contributions have been made or accounted for in a particular Development Contribution Area, the local government may—

- (a) make good the shortfall from its municipal fund;
- (b) enter into agreements with Owners to fund the shortfall; or
- (c) raise loans or borrow from a financial institution

but nothing in paragraph 7.3.17.1(a) restricts the right or power of the local government to impose a differential rate to a specified Development Contribution Area in that regard.

7.3.17.2 If there is an excess in funds available to the Development Contribution Area when all Cost Contributions have been made or accounted for in a particular Development Contribution Area, the local government is to apply the funds for the provision of additional facilities or improvements in that Development Contribution Area.

7.3.18 Powers of the local government

The local government in implementing the Development Contribution Plan has the power to—

- (a) acquire any land or buildings within the Scheme area under the provisions of the Planning and Development Act; and
- (b) deal with or dispose of any land which it has acquired under the provisions of the Planning and Development Act in accordance with the law and for such purpose may make such agreements with other owners as it considers fit.

7.3.19 Arbitration

Subject to clause 7.3.12.4, any dispute between an Owner and the local government in connection with the Cost Contribution required to be made by an Owner is to be resolved by arbitration in accordance with the Commercial Arbitration Act 1985.

2. Renumbering existing Part V11—Non conforming uses as Part V111 and existing clauses 7.1 to 7.5 as 8.1 to 8.5 respectively.
3. Renumbering existing Part V111—Administration as part 1X and existing clauses 8.1 to 8.9 as 9.1 to 9.9 respectively.
4. Amending the Scheme Text by adding the following—

APPENDIX 13—DEVELOPMENT (STRUCTURE PLANNING) AREAS

| No | Description of Land | Additional provisions applicable to subdivision and development |
|----|---------------------|---|
| | | |

5. Amending the Scheme Text by adding the following—

APPENDIX 14—DEVELOPMENT CONTRIBUTION PLANS

| No | Description of Land | Infrastructure to which cost sharing arrangements relate | Cost sharing arrangement |
|----|---------------------|--|--------------------------|
| | | | |

6. Zoning part of lot 8016 Marradong Bannister Road Boddington as “Special Use” as depicted on the Scheme Amendment Map.
7. Entering the following provisions in Appendix 4 of the Scheme Text.

APPENDIX 4—SPECIAL USE ZONE

| No | Land Particulars | Permitted Uses | Development Standards/Conditions |
|----|--|---------------------------------|---|
| 1 | Portion of Lot 8016 Bannister-Marradong Road, Boddington | As per approved Structure Plan. | 1. Subdivision and development shall be generally in accordance with a Structure Plan approved by Council and endorsed by the Western Australian Planning Commission. |

| No | Land Particulars | Permitted Uses | Development Standards/Conditions |
|----|------------------|----------------|---|
| | | | <p>2. The preparation, approval and administration of the Structure Plan (and any relevant Detailed Area Plan) shall be in accordance with Clauses 7.2.5—7.2.15 of the Scheme.</p> <p>3. Notwithstanding Condition No.1 above, Council may recommend subdivision or approve the development of land on the subject land prior to a Structure Plan coming into effect, if satisfied that this will not prejudice the progressive subdivision and development of the area.</p> <p>4. An owner who has submitted a Structure Plan under Clause 7.2.7.1 of the Scheme may exercise the appeal rights outlined in Clause 7.2.16 of the Scheme.</p> |

PAUL CARROTTS, Shire President.
GARY SHERRY, Chief Executive Officer.

PI402*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED TOWN PLANNING SCHEME AMENDMENT
City of Nedlands
Town Planning Scheme No. 2 Amendment No. 189

Ref: 853/2/8/4 Pt 189

It is hereby notified for public information, in accordance with section 87 of the Planning and Development Act 2005 that the Minister for Planning and Infrastructure approved the City of Nedlands Town Planning Scheme Amendment on 20 November 2007 for the purpose of—

Inserting the following provision as Clause 5.16—

5.16 OLD SWANBOURNE HIGH SCHOOL—LOTS 52-59, 60 AND 61

Notwithstanding any other provision specified elsewhere in the scheme, the following development standards shall apply to the specified lots within the subdivision formerly known as Swanbourne High School—

- (a) In respect of proposed Lots 52—59 a height restriction of 12m shall apply.
- (b) In respect of proposed Lot 60 a height restriction of 21m shall apply.
- (c) In respect of proposed lots 60 and 61 multiple dwellings shall be permitted

S. A. FROESE, Mayor.
G. FOSTER, Chief Executive Officer.

PI403*

PLANNING AND DEVELOPMENT ACT 2005
METROPOLITAN REGION SCHEME AMENDMENT 1134/57
Carine TAFE Site
Notice of Approved Amendment

File: 833-2-20-45

The Minister for Planning and Infrastructure has approved, as advertised, the abovementioned amendment to the Metropolitan Region Scheme. The amendment is shown on Western Australian Planning Commission plan number 3.2078 and is effective from the date of publication of this notice in the *Government Gazette*.

Copies of the amendment and the accompanying report on submissions are available for public inspection from Friday 14 March 2008 to Friday 11 April 2008 at the following locations—

- Western Australian Planning Commission, Wellington Street, Perth
- J S Battye Library, Level 3 Alexander Library Building, Perth Cultural Centre
- Municipal offices of the cities of Stirling and Joondalup

Documents are also available from the WAPC's website www.wapc.wa.gov.au.

MOSHE GILOVITZ, Secretary, Western Australian Planning Commission.

RACING, GAMING AND LIQUOR

RG401*

LIQUOR CONTROL ACT 1988

LIQUOR APPLICATIONS

The following is a summary of applications received under the *Liquor Control Act 1988 (the Act)* and required to be advertised.

Any person wishing to obtain more details about any application, or about the objection process, should contact the Department of Racing, Gaming & Liquor, 1st Floor, 87 Adelaide Terrace, Perth, Telephone: (08) 9425 1888, or consult a solicitor or relevant industry organisation.

| App. No. | Applicant | Nature of Application | Last Date for Objections |
|---|---|---|--------------------------|
| APPLICATIONS FOR THE GRANT OF A LICENCE | | | |
| 12246 | Kinross Central Liquor Store Pty Ltd | Application for the grant of a Liquor Store licence in respect of premises situated in Kinross and known as Kinross Liquor Store | 25/03/2008 |
| 12244 | Sunfield Enterprises Pty Ltd | Application for the grant of a Wholesaler's licence in respect of premises situated in Inglewood and known as Wine Vault | 20/04/2008 |
| 12239 | Gerdina Cynthia Barrett and Kevin Barrett | Application for the grant of a Hotel Restricted licence in respect of premises situated in Carnarvon and known as Carnarvon Fascine Lodge | 14/04/2008 |
| 12237 | Ian Spear | Application for the grant of a Restaurant licence in respect of premises situated in Bunbury and known as Nicola's Ristorante | 08/04/2008 |
| 12230 | Mad Maximus Pty Ltd | Application for the grant of a Small Bar licence in respect of premises situated in Perth and known as Tiger Tiger Coffee Bar | 16/03/2008 |
| APPLICATIONS FOR EXTENDED TRADING PERMITS—ONGOING EXTENDED HOURS | | | |
| 31791 | Entrepreneur West Pty Ltd | Application for the grant of an extended trading permit—ongoing extended hours, in respect of premises situated in Northam and known as Avon Bridge Hotel | 27/03/2008 |
| 31789 | Keymaster Nominees Pty Ltd | Application for the grant of an extended trading permit—ongoing extended hours, in respect of premises situated in Applecross and known as Raffles Hotel | 25/03/2008 |
| 31786 | Oobydooby Pty Ltd And Premiership Pty Ltd | Application for the grant of an extended trading permit—ongoing extended hours, in respect of premises situated in Collie and known as Crown Hotel | 31/03/2008 |
| APPLICATIONS FOR EXTENDED TRADING PERMITS—LIQUOR WITHOUT A MEAL | | | |
| 31787 | Namres Pty Ltd | Application for the grant of an extended trading permit—liquor without a meal, in respect of premises situated at Warwick and known as Nino's Fish Bar | 28/03/2008 |

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

Dated: 12 March 2008.

B. A. SARGEANT, Director of Liquor Licensing.

WATER/SEWERAGE

WA401*

WATER SERVICES LICENSING ACT 1995

NOTICE UNDER SECTION 31 (5) AMENDMENT OF LICENCE

Notice is given that the following Operating Licence has been amended—

| | |
|------------------------|--|
| Licensee: | Water Corporation |
| Issue Date: | 4 March 2008 |
| Address of Licensee: | PO Box 100 LEEDERVILLE WA 6902 |
| Classification: | Operating Licence, Water Supply, Sewerage, Irrigation and Drainage Services |
| Term of Licence: | Up to and including 28 June 2021. |
| Amendment: | Substitution of old licence with a new licence (Version 46) with amendments to the following— <ul style="list-style-type: none"> • Removal of Broad Arrows Potable Water Supply from Schedule 1—Operating Area Plan No. OWR-OA-266. • Extension of Toodyay Sewerage Services Operating Area to include all of the Shire of Toodyay—Plan No. OWR-OA-169D. |
| Inspection of Licence: | Economic Regulation Authority 6th Floor 197 St Georges Terrace Perth WA 6000 http:// www.era.wa.gov.au |

LYNDON G. ROWE, Chairman, Economic Regulation Authority.

DECEASED ESTATES

ZX401

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

John Robson, late of Bethel Hostel, Bethel Way, Albany, Western Australia, 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 7 September 2007, are required by the trustee of the late John Robson of c/- Haynes Robinson Solicitors of PO Box 485, Albany, Western Australia to send particulars of their claims to them within one (1) month from the date of publication of this notice, after which date the trustee may convey or distribute the assets, having regard only to the claims of which it then has notice.

Dated this 6th day of March 2008.

HAYNES ROBINSON.

ZX402

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Gunar Karl Mucjanko, late of 91 Edinboro Street, Mount Hawthorn, Western Australia, 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 3 August 2007 at Royal Perth Hospital, are required by the applicant for a grant of Letters of Administration with the Will Annexed, Benjamin Karl Mucjanko to send particulars of their claim care of D'Angelo Legal, 1/246-250 Railway Parade, West Leederville 6007, by the 18th day of April 2008 after which date the administrator may convey or distribute the assets, having regard only to the claims of which he has notice.

ZX403*

TRUSTEES ACT 1962
DECEASED ESTATES

Notice to Creditors and Claimants

Creditors and other persons having claims (to which Section 63 of the Trustees Act relates) in respect of the Estates of the undermentioned deceased persons are required to send particulars of their claims to me on or before the 14 April 2008 after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Bowley, Brian Harcourt, late of Osboine Aged Care 39 Newton Street Bayswater, died 31.01.2008 (DE19863194EM22)

Bowra, Ione Molly, late of Bedingfeld Aged Care Facility, 4 Bedingfeld Road Pinjarra, died 1.01.2008 (DE197933735EM16)

Empshall, Ivy Stella, late of Hollywood Aged Care Village 118-120 Monash Avenue Nedlands, died 13.02.2008 (DE19842672EM16)

Davies, Arthur Noel, late of 86 Arkana Road Westminster, died 12.11.2007 (DE33061563EM32)

Dawson, Winfred, late of Room 3 Lefroy Hostel, 22 Lefroy Road Bull Creek, died 12.02.2008 (DE19981146EM17)

Denholm, Kenneth Donald, late of C-/ Craigville Nursing Home, 1 French Road Melville, died 20.04.2007 (DE33058340EM17)

Huby, Arthur William, late of 89a Crandon Street Gosnells, died 24.02.2008 (DE19971298EM35)

Kelly, Albert Lesley, late of 33b Edkins Way South Hedland, died 20.03.2004 (DE33036042EM13)

Laska, Jan, late of C-/ Jesson House Haymand Road Bentley, died 25.01.2008 (DE19762526EM37)

Macrae-Morgan, Magdeleine Marie Cecile, late of 71b Reman Road, Bayswater, died 1.02.2008 (DE19781461EM110)

Martin, Trevor, Late of 16/447 Canning Highway Como, died 11.08.2007 (DE33060047EM22)

Scott, Doris Enzie, late of Frank Prendergast House 27 Pearson Drive Success, died 30.12.2007 (DE19901455EM36)

Shelton, Julie Anne, late of 187 Hardy Road Redcliffe, died 21.12.2007 (DE19942519EM26)

Spencer, Kenneth Raymond, late of C-/ Amity Nursing Home 256-260 Station Street Edithvale, died 7.11.2007 (DE33058384EM12)

Ward-Dickson, Wayne Richard, late of Unit 217, 1217 Hay Street West Perth, died 18.11.2007 (DE33061305EM32)

Wadkins, Eric Egils, late of 41 Foyle Road Bayswater, died 7.01.2008 (DE19782253EM23)

Zahatlan, Frank, late of Joondanna Hostel Room, 320a 5-9 Osborne Street Joondanna, died 8.09.2007 (DE33027986EM26)

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

PUBLIC NOTICES

ZZ401

CHARITABLE TRUSTS ACT 1962
APPLICATION TO SELL PROPERTY
Church Missionary Society—WA (Inc)

The Church Missionary Society—WA (Inc) applies to have a Substituted Scheme to be approved by the Supreme Court to enable its property in Shenton Park to be sold so that the proceeds may enable the purchase of a suitable residence for its work and also the promotion of missionary work with any balance to be used whether capital or income for the general purposes of the Society.

The proposed date for hearing is 15 April 2008 and any person opposing the Scheme must give to the Principal Registrar of the Supreme Court and to the Society and the Attorney General written notice not less than 7 clear days before 15 April 2008.
