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— PART 1 —

PROCLAMATIONS

AA101*

CRIMINAL LAW AMENDMENT (HOMICIDE) ACT 2008

No. 29 of 2008

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 *Criminal Law Amendment (Homicide) Act 2008* section 2 and with the advice and consent of the Executive Council, fix 1 August 2008 as the day on which the provisions of that Act other than section 36(2) come into operation.

Given under my hand and the Public Seal of the State on 15 July 2008.

By Command of the Governor,

J. McGINTY, Attorney General.

HOUSING AND WORKS

HW301*

Local Government (Miscellaneous Provisions) Act 1960

Building Amendment Regulations (No. 4) 2008

Made by the Governor in Executive Council under the *Local Government (Miscellaneous Provisions) Act 1960* section 433A and the *Local Government Act 1995* section 9.60.

1. Citation

These regulations are the *Building Amendment Regulations (No. 4) 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 *Building Regulations 1989*.

4. Schedule 2 amended

Schedule 2 is amended as follows:

- (a) in columns 2 and 3 of the item relating to Esperance, by inserting after “townsites” —
“ and lots measuring 10 ha or less ”;
- (b) in column 3 of the item relating to Williams, by deleting “All townsites” and inserting instead —
“ Whole district ”.

By Command of the Governor,

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

TREASURY AND FINANCE

TF301*

Taxation Administration Act 2003

**Taxation Administration Amendment
Regulations (No. 2) 2008**

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Taxation Administration Amendment Regulations (No. 2) 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 amendment in these regulations is to the *Taxation Administration Regulations 2003*.

4. Regulation 14A inserted

After regulation 13 the following regulation is inserted —

“

14A. Disclosure of information about settlement agents (section 114)

- (1) In this regulation —

“**senior Board member**” means —

- (a) a member of the Settlement Agents Supervisory Board established by the *Settlement Agents Act 1981* section 5 appointed under section 6(1)(a), (b) or (c) of that Act; or
- (b) the Registrar of that Board;

“**settlement agent**” has the meaning given in the *Settlement Agents Act 1981* section 3(1);

“**STR arrangement**” means a special tax return arrangement under which a settlement agent —

- (a) is authorised to collect tax payable by a taxpayer; and
- (b) is required to pay that tax to the Commissioner.

- (2) If —

- (a) a settlement agent has entered into an STR arrangement; and
- (b) after carrying out an investigation under Part 8 of the Act, the Commissioner believes on reasonable grounds that the settlement agent failed to pay tax payable under that arrangement by the date on which it was due for payment,

— PART 2 —

AGRICULTURE

AG401*

GRAIN MARKETING ACT 2002

APPOINTMENT

Department of Agriculture and Food
South Perth WA 6151.

I, Kim Chance, Minister for Agriculture and Food, acting under Section 5 of the *Grain Marketing Act 2002*, hereby reappoint the following persons as members of the Grain Licensing Authority—

| Name | Representing | Term of office | Expiry date |
|-------------------|------------------------------------|----------------|--------------|
| Dr David Morrison | Department of Treasury and Finance | 8 months | 7 March 2009 |
| Dr David Bowran | Department of Agriculture and Food | 8 months | 7 March 2009 |
| Mr Kim Halbert | Producer member | 8 months | 7 March 2009 |

KIM CHANCE MLC, Minister for Agriculture and Food.

CONSUMER AND EMPLOYMENT PROTECTION

CE401

CHARITABLE COLLECTIONS ACT 1946

REVOCATION OF LICENCE

I, Anne Driscoll, being the officer delegated by the Minister administering the *Charitable Collections Act 1946*, and acting in the exercise of the powers conferred by subsection (3) of section 12 of that Act, hereby give notice that I have revoked the licence of the organisation listed below—

- WHEELCHAIR FOUNDATION AUSTRALIA

Dated this 17th day of July 2008.

ANNE DRISCOLL, Commissioner for Consumer Protection.

HERITAGE

HR401*

HERITAGE OF WESTERN AUSTRALIA ACT 1990

ENTRY OF PLACES IN THE REGISTER OF HERITAGE PLACES

Corrigendum

In the notice published in the *Government Gazette* No. 79 and dated 23 May 2008, an error occurred. Under Schedule 1, the land description for **Rockingham Hotel** was shown as—

Rockingham Hotel at corner Rockingham Beach Road, Flinders Lane and Kent Street, Rockingham: Ptn of Lot 99 on Diagram 88032 being part of the land contained in C/T V 2029 F 634 as defined in HCWA Survey Drawing No. 17865 prepared by McMullen Nolan Surveyors.

The address in the land description is incorrect. The correct entry for that part of the notice should read—

Rockingham Hotel at 26 Kent Street, Rockingham: Ptn of Lot 99 on Diagram 88032 being part of the land contained in C/T V 2029 F 634 as defined in HCWA Survey Drawing No. 17865 prepared by McMullen Nolan Surveyors.

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

Dated this 22nd day of July 2008.

JUSTICE

JU401*

PRISONS ACT 1981

PERMIT DETAILS

Pursuant to the provisions of section 15P of the *Prisons Act 1981*, the Commissioner of the Department of Corrective Services has revoked the following Permit to do High-Level Security Work—

| Surname | Other Names | Permit No. | Revocation Date |
|---------|----------------|------------|-----------------|
| Smith | Iain Mackenzie | AP 0361 | 18/07/08 |

This notice is published under section 15P of the *Prisons Act 1981*.

Dated: 18 July, 2008.

BRIAN LAWRENCE, Manager Acacia Prison Contract.

LOCAL GOVERNMENT

LG101*

CORRECTION

BUSH FIRES ACT 1954

Shire of Murray

Appointment of Bush Fire Control Officers

An error occurred in the notice published under the above heading on page 3259 of *Government Gazette*, No 122 on July 11, 2008 and the error is corrected as follows—

Under the heading of Bush Fire Control Officers the appointments should read as—

Timothy Birmingham, Jim Camplin, Kevin Jones, Robert Wilson

D. L. UNSWORTH, Chief Executive Officer.

LG401*

BUSH FIRES ACT 1954

Shire of Gingin

APPOINTMENTS

Hereunder are the Fire Control Officers appointed by the Shire of Gingin for the 2008/2009 Fire Season. Chief Bushfire Control Officer/Fire Weather Officer MICHAEL JOHN PIMM, Deputy Chief Bushfire Control Officers/Weather Officers—MAXWELL JOHN BORWICK, GEORGE ROBERT GRANT, MURRAY CHARLES HYNE and ARTHUR HENRY ELLIOT. Inspection, Prosecution and Fire Permit Issuing Officers/Shire Rangers—MICHAEL JOHN PIMM, MICHAEL KOKIR and DANNY BENOITON.

GINGIN FIRE AREA

M C Hyne
S C Jupp
P G Brocklehurst

GINGIN NORTH FIRE AREA

P Crowe

GINGIN WEST FIRE AREA

G R Grant
M J Borwick

BEERMULLAH FIRE AREA

R L Harris
C W Fewster

RED GULLY FIRE AREA

E R Howard
J R Christensen

NILGEN FIRE AREA

B R Leeson
D J Ottaway

GINGIN TOWNSITE

A H Elliot

GUILDERTON TOWNSITE

W G Marshall

SEABIRD TOWNSITE

S L Brown

LEDGE POINT TOWNSITE

G J Barrett
P Barrett

LANCELIN TOWNSITE

R K Scaddan

OCEAN FARM

M B Culhane

WOODRIDGE

A Reeks

GUILDERTON/WOODRIDGE—PERMIT ISSUING OFFICER

D Coleman

Dated: 1 July 2008.

S. D. FRASER, Chief Executive Officer.

LG402*CITY OF BAYSWATER*

APPOINTMENTS

It is hereby notified for public information that Elan Tzabary, Dedbbie Goldberg, Clint Bridgeman, Arek Mazurkiewicz, Frank Evangelista, Karen Miles, Craig Harley, Robert Butler, Jeff Noye and Marcello Dello Iaco have been appointed as authorized officers to exercise powers pursuant to the following legislations—

1. Local Government Act 1995
2. Council's Local Laws excluding Dogs Local Laws
3. To exercise power under Part XX of the Local Government (Miscellaneous Provisions) Act 1960;
6. Litter Act 1979 and Regulations
7. Local Government "Parking for Disabled Persons" Regulations 1996
8. Control of Vehicles (Off-road areas) Act 1978
9. Bush Fires Act.

All previous appointments are hereby cancelled.

MARIO CAROSELLA, Chief Executive Officer.

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 Act passed by the Legislative Council and the Legislative Assembly during the First Session of the Thirty-Seventh Parliament.

| Title of Act | Date of Assent | Act No. |
|---------------------|-----------------------|----------------|
| Food Act 2008 | 8 July 2008 | 43 of 2008 |

NIGEL LAKE, Acting Clerk of the Legislative Council.

16 July 2008.

PLANNING AND INFRASTRUCTURE

PI401*

PLANNING AND DEVELOPMENT ACT 2005

DECLARATION OF PLANNING CONTROL AREA 92

Bush Forever Site 390

Lot 820 Fraser Road, Banjup

City of Cockburn

File: 835/2/23/8

General description

In accordance with the provisions of Part 7 of the *Planning and Development Act 2005*, the Minister for Planning and Infrastructure has granted approval to the declaration of a planning control area over land at Lot 820, Fraser Road, Banjup (Bush Forever site 390) as shown on Western Australian Planning Commission plan 3.2276.

Purpose

The purpose of the planning control area is to protect remnant vegetation identified in *Bush Forever* that is of regional and national conservation significance. The Western Australian Planning Commission considers that the planning control area is required over the whole of the property to ensure that no development occurs on this land which might prejudice this purpose until it may be reserved for parks and recreation in the Metropolitan Region Scheme.

Duration and effects

The declaration remains in effect for a period of five years from the date of publication of this notice in the *Government Gazette* or until revoked by the Western Australian Planning Commission with approval by the Minister, whichever is the sooner.

A person shall not commence and carry out development in a planning control area without the prior approval of the Western Australian Planning Commission. The penalty for failure to comply with this requirement is \$50,000 and, in the case of a continuing offence, a further fine of \$5,000 for each day during which the offence continues.

Compensation is payable in respect of land injuriously affected by this declaration, and land so affected may be acquired by the Western Australian Planning Commission in the same circumstances and in the same manner as if the land had been reserved in the Metropolitan Region Scheme for a public purpose.

Display locations

- Western Australian Planning Commission, 469 Wellington Street, Perth
- J S Battye Library, Level 3 Alexander Library Building, Perth Cultural Centre
- Municipal office of the City of Cockburn, 9 Coleville Crescent, Spearwood

MOSHE GILOVITZ, Secretary,
Western Australian Planning Commission.

PI402*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED TOWN PLANNING SCHEME AMENDMENT

Shire of Waroona

Town Planning Scheme No. 7—Amendment No. 16

Ref: 853/6/10 Pt 16

It is hereby notified for public information, in accordance with Section 87(3) of the *Planning and Development Act 2005*, that the Minister for Planning and Infrastructure approved the Shire of Waroona Town Planning Scheme Amendment No. 16 on 31 October 2007, for the purpose of:

1. Introducing provisions relating to Development Zones.
2. Rezoning Pt Location 254 & Lot 386 Hill Street, Waroona from 'Urban 4—Residential' & 'Urban 5—Special Residential' to 'Development Zone', by—

1. In the Scheme Text inserting the following Clauses—

4.17 Urban Development

4.17.1 Council's objectives are to—

- (a) provide for the orderly planning of large areas of land for residential and associated purposes through a comprehensive Structure Plan which is able to respond to changing circumstances throughout the developmental stages of the area;
- (b) promote the sustainable development of new urban communities in accordance with the social, environmental and economic goals of the Shire of Waroona.

4.17.2 Subdivision and Development

4.17.2.1 Subdivision and development within the Urban Development zone shall be in accordance with an approved Structure Plan prepared in accordance with Part 7.4.

4.17.2.2 Where a use identified on a Structure Plan refers to a use that does not correspond to a Zone or Reserve, a subsequent Structure Plan is required to be prepared for that area in accordance with Part 7.4.

2. In the Scheme Text inserting the following Clauses

7.4 Special Control Areas

7.4.1 Operation of Special Control Areas

7.4.1.1 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 Schedule VI.

7.4.1.2 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.

7.4.2 Development Areas

7.4.2.1 Interpretation

In clause 7.4.2, 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 7.4.2.12.1.

7.4.2.2 Purpose of Development Areas

7.4.2.2.1 The purposes of Development Areas are to—

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

7.4.2.2.2 Schedule VI describes the Development Areas in detail and sets out the specific purposes and requirements that apply to the Development Areas.

7.4.2.3 Subdivision and Development in Development Areas.

7.4.2.3.1 The development of land within a Development Area is to comply with Schedule VI.

7.4.2.3.2 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.

7.4.2.4 Structure Plan required.

7.4.2.4.1 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.

7.4.2.4.2 Notwithstanding clause 7.4.2.4.1, 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.

7.4.2.5 Preparation of proposed structure plans.

7.4.2.5.1 A proposed structure plan may be prepared by—

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

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

7.4.2.6 Details of proposed structure plan

7.4.2.6.1 Unless otherwise determined by the local government and the Commission, 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) sites 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 freeways, arterial routes and neighbourhood connector alignments, public transport routes, strategic cycle routes, bus stops and rail stations;
 - (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 transport 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; and
 - (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 7.4.2.6.1 (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 7.4.2.6.1 (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.

7.4.2.6.2 The maps referred to in clause 7.4.2.6.1 are to—

- (a) be drawn to a scale that clearly illustrates the details referred to in clause 7.4.2.6.1; and
- (b) include a north point, visual bar scale, key street names and a drawing title and number.

7.4.2.6.3 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 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.

7.4.2.6.4 A proposed structure plan must, in the opinion of the local government, be consistent with orderly and proper planning.

7.4.2.7 Submission to local government and Commission

7.4.2.7.1 A proposed structure plan prepared by an owner is to be submitted to the local government.

7.4.2.7.2 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.

7.4.2.7.3 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.

7.4.2.7.4 The Commission must provide its comments to the local government within 30 days of receiving the proposed structure plan.

7.4.2.8 Advertising of structure plan

7.4.2.8.1 Within 60 days of preparing or receiving a proposed structure plan that conforms with clause 7.4.2.6 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.

7.4.2.8.2 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.

7.4.2.9 Adoption of proposed structure plan

7.4.2.9.1 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 plan was submitted by an owner, give reasons for this to the owner.

7.4.2.9.2 (a) In making a determination under clause 7.4.2.9.1, 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 7.4.2.9.1.

7.4.2.9.3 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 7.4.2.8.1 onwards are to apply.

7.4.2.9.4 If within the period referred to in clause 7.4.2.9.1, 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 7.4.2.9.1, the local government is deemed to have refused to adopt the proposed structure plan.

7.4.2.10 Endorsement by Commission

7.4.2.10.1 If the proposed structure plan proposes the subdivision of land, then within 7 days of making its determination under clause 7.4.2.9.1, the local government is to forward the proposed structure plan to the Commission for its endorsement.

7.4.2.10.2 As soon as practicable after receiving the proposed structure plan, the Commission is to determine whether to endorse the proposed structure plan.

7.4.2.10.3 The Commission is to notify the local government of its determination under clause 7.4.2.10.2.

7.4.2.11 Notification of structure plan

7.4.2.11.1 As soon as practicable after adopting a proposed structure plan under clause 7.4.2.9.1 and if clause 7.4.2.10 applies, as soon as practicable after being notified of the Commission's decision under clause 7.4.2.10.3, 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.

7.4.2.12 Operation of structure plan

7.4.2.12.1 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 7.4.2.10.2; or
- (b) on the day on which it is adopted by the local government under clause 7.4.2.9.1 in all other cases.

7.4.2.12.2 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.

7.4.2.13 Inspection of structure plan

7.4.2.13.1 The structure plan and the Commission's notification under clause 7.4.2.10.3 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.

7.4.2.14 Variation to structure plan

7.4.2.14.1 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 7.4.2.6 onwards.

7.4.2.14.2 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.

7.4.2.14.3 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.

7.4.2.14.4 As soon as practicable after receiving the copy of the variation referred to in clause 7.4.2.14.3, the Commission is to determine whether to endorse the proposed variation.

7.4.2.14.5 The Commission is to notify the local government of its determination under clause 7.4.2.14.4.

7.4.2.14.6 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 7.4.2.14.4; or
- (b) on the day on which the local government resolves to make the variation under clause 7.4.2.14.1 (a).

7.4.2.15 Detailed Area Plan

7.4.2.15.1 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.

7.4.2.15.2 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.

7.4.2.15.3 When a proposed detailed area plan is prepared under Clause 7.4.2.15.1, 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 or 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.

7.4.2.15.4 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 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.

7.4.2.15.5 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.

7.4.2.15.6 If within 60 days of receiving a detailed area plan prepared under clause 7.4.2.15.1(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 7.4.2.15.5, the local government is deemed to have refused to approve the detailed area plan.

7.4.2.15.7 Once approved by the local government, the detailed area plan constitutes a variation of the structure plan.

7.4.2.15.8 The local government may vary a detailed area plan in accordance with the procedures set out in clause 7.4.2.15 onwards provided such variations do not prejudice the intention of any related structure plan.

7.4.2.16 Appeal

7.4.2.16.1 An owner who has submitted a proposed structure plan under clause 7.4.2.7.1 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 7.4.2.8.1;
- (b) any determination of the local government or the Commission—
 - (i) to refuse to adopt a proposed structure plan (including a deemed refusal); or
 - (ii) to require modifications to a proposed structure plan that are unacceptable to that owner.

7.4.2.16.2 An owner who has submitted a detailed area plan in accordance with clause 7.4.2.15 may appeal, in accordance with Part 14 of the Planning and Development Act, any discretionary decision made by the local government under clause 7.4.2.15.”

3. In the Scheme Text creating a “Schedule VI—Development Areas” following “Schedule V—Exempted Advertisements Pursuant to Clause 7.2.4” and inserting the following text—

| Area No. | Land Description | Purpose & Particular Requirements |
|----------|---|--|
| DA 1 | Lot 386 Hill Street & a portion of Pt Location 254 Elliot Street, Waroona | To provide for the co-ordinated subdivision of the land, a structure plan must be prepared and approved prior to subdivision and/or development of the land. |

4. On the Scheme Map rezoning Lot 386 Hill Street and a portion of Pt Location 254 Hill Street, Waroona from “Urban 4—Residential” and “Urban 5—Special Residential” to “Urban Development” and inserting a Special Control Area of “DA1” sitting over the “Urban Development” zoning as depicted on the Scheme Amendment Map.

N. DEW, President.
I. CURLEY, Chief Executive Officer.

WATER/SEWERAGE

WA401*

WATER BOARDS ACT 1904

BUNBURY WATER BOARD

Memorandum of Imposing Rates

At the Special Meeting of the Bunbury Water Board held on June 18, 2008 it was resolved that the following Rates and Charges should be imposed on all rateable properties within the District of the Bunbury Water Board in accordance with the *Water Boards Act 1904* for the 2008/2009 financial year.

1. Residential Properties

- (a) An annual Supply Fee of \$100.00 will apply to all residential properties.
- (b) The charge (per kl) for water consumed at residential zoned properties to be—
- | | |
|---------------|--------|
| First 150 kl | \$0.42 |
| Next 200 kl | \$0.77 |
| Next 150 kl | \$1.10 |
| Next 200 kl | \$1.45 |
| Next 300 kl | \$1.74 |
| Over 1,000 kl | \$2.55 |
- (c) Registered pensioners to receive 50% rebate of the total amount of water rates payable and 50% rebate of the amount payable for water consumption up to 350 kl.
- (d) Registered Seniors who also hold the Commonwealth Seniors Health card to receive 50% rates rebate and 50% rebate of the amount payable for water consumption up to 150kl.
- (e) Registered seniors to receive 25% rates rebate and 50% rebate of the amount payable for water consumption up to 150 kl.

2. Non Residential Properties

(a) RATES IN THE DOLLAR

| Property Category | Rate on Gross Rental Value Column (A) | Rates on Gross Rental Value Discounted to 20% Column (B) |
|--------------------------|--|---|
| Industrial Properties | 2.00 cents in the dollar | 0.40 cents in the dollar |
| Rural Properties | 0.50 cents in the dollar | 0.10 cents in the dollar |
| Commercial Properties | 2.00 cents in the dollar | 0.40 cents in the dollar |
| Residential Vacant Land | 1.50 cents in the dollar | 0.30 cents in the dollar |
| Public Facility Property | 1.50 cents in the dollar | 0.30 cents in the dollar |

NOTE: Due to phased implementation of the Non Residential Charging Regime which commenced on 01 July 2005, the rate in column (A) is discounted to twenty percent (20%) of the rate in the dollar for the relevant property category within the boundaries of Aqwest—Bunbury Water Board for the year ending 30 June 2009.

It should also be noted that the rates in the dollar in column (A) have also been reduced to offset the recent increase in gross rental valuations to create a 'revenue neutral' position.

(b) METER SUPPLY CHARGE

| Meter Size (mm) | Meter Size Index | Charge Column (C) | Charge Column (D) 80% |
|-----------------|------------------|----------------------|-----------------------------|
| 20 | 1.00 | \$374.00 | \$299.20 |
| 25 | 1.56 | \$583.00 | \$466.40 |
| 40 | 4.00 | \$1,496.00 | \$1,196.80 |
| 50 | 6.25 | \$2,337.50 | \$1,870.00 |
| 80 | 16.00 | \$5,984.00 | \$4,787.20 |
| 100 | 25.00 | \$9,350.00 | \$7,480.00 |
| 150 | 56.25 | \$21,037.50 | \$16,830.00 |

NOTE: The rate in column (D) is eighty percent (80%) of column (C) and is applicable for the relevant property category within the boundaries of Aqwest—Bunbury Water Board for the year ending 30 June 2009.

(c) NON RATEABLE PROPERTIES

- (i) The following meter supply charges are levied on all non rateable properties under Section 57 of the *Water Boards Act 1904*.

| Meter Size (mm) | Meter Size Index | Charge Column (E) | Charge Column (F) at 80% |
|-----------------|------------------|-------------------|--------------------------|
| 20 | 1.00 | \$374.00 | \$299.20 |
| 25 | 1.56 | \$583.00 | \$466.40 |
| 40 | 4.00 | \$1,496.00 | \$1,196.80 |
| 50 | 6.25 | \$2,337.50 | \$1,870.00 |
| 80 | 16.00 | \$5,984.00 | \$4,787.20 |
| 100 | 25.00 | \$9,350.00 | \$7,480.00 |
| 150 | 56.25 | \$21,037.50 | \$16,830.00 |

- NOTE:** (i) The rate in column (F) is eighty percent (80%) of column (E) and is applicable to non rateable properties within the boundaries of Aqwest—Bunbury Water Board for the year ending 30 June 2009.
- (ii) In addition to (i) non rateable properties to be levied 20% of the non rateable fixed supply charge of \$374.00, i.e. 20% x \$374.00 = \$74.80 for the year ending 30 June 2009.
- (d) **RESIDENTIAL VACANT LAND**
- (i) In addition to the discounted rate in the dollar shown at 2(a) for residential vacant land properties, these properties to be levied 80% of the residential vacant land charge of \$100.00, i.e. 80% x \$100.00 = \$80.00 for the year ending 30 June 2009.
- (ii) Residential vacant land created from and including 01 July 2005 will be levied an annual supply charge of \$100.00 for the year ending 30 June 2009.

3. Consumption Charges (Non Residential)

- (i) The charge for water consumed at non residential properties for the year ending 30 June 2009 be as follows—

| Consumption Kilotres | | | Rate Per kl | |
|----------------------|--------|----------|-------------|--------|
| First | 1000kl | (0-1000) | @ | \$0.79 |
| Over | 1000kl | (1000+) | @ | \$1.17 |

- (ii) Due to the phased implementation of the Non Residential Charging Regime which commenced on 01 July 2005, the above consumption charges are discounted for all non residential properties within the Aqwest—Bunbury Water Board area for the year ending 30 June 2009 as follows—

| Consumption Kilotres | | | Rate Per kl/85% | |
|----------------------|--------|----------|-----------------|--------|
| First | 1000kl | (0-1000) | @ | \$0.67 |
| Over | 1000kl | (1000+) | @ | \$1.00 |

PROPERTIES CREATED DURING THE IMPLEMENTATION OF THE NON RESIDENTIAL CHARGING REGIME

For properties created from and including 01 July 2005—

- (a) The five (5) year phasing in period does not apply.
- (b) Full meter based supply fees and consumption charges in accordance with the non-residential charging regime are applicable from the date of property creation.

PENALTY FOR OVERDUE RATES AND CHARGES

A penalty charge equal to 10% per annum will accrue on a daily basis on all Rates and Charges which are overdue for payment.

GENERAL CHARGES 2008/2009

Disconnection

| | |
|----------------|----------|
| 20mm Service | \$219.00 |
| 25mm Service | \$336.00 |
| 40mm Service | \$364.00 |
| 50mm Service | \$364.00 |
| > 50mm Service | Quote |

Repair of Damaged Meters

| | |
|--|----------|
| Business hours—No new meter | \$63.00 |
| Business hours—New meter | \$113.00 |
| Other hours—No new meter | \$188.00 |
| Other hours—New meter (20mm) | \$238.00 |
| Additional fee where the meter damage caused by Contractor | \$130.00 |

Statements

| | |
|--|------------|
| Meter Test (20mm) | \$27.00 |
| Re-Connection | Nil |
| Headworks (01/07/08 to 30/06/09) | \$2,524.00 |
| Tenant Advice | \$21.00 |
| Change of ownership Read and Statement | \$42.00 |

Application for Fire Service

| | |
|--------|------------|
| 25mm | \$615.00 |
| 40mm | \$1,202.00 |
| 50mm | \$1,332.00 |
| > 50mm | Quote |

Fire Service Charge

(Annual Charge Based on Size)

| | |
|-------|----------|
| 20mm | \$51.50 |
| 25mm | \$64.50 |
| 40mm | \$103.00 |
| 50mm | \$129.00 |
| 100mm | \$258.00 |
| 150mm | \$387.00 |
| 200mm | \$516.00 |

Application for Water Service

| | |
|--|------------|
| 20mm | \$531.00 |
| 25mm | \$804.00 |
| 40mm | \$1,627.00 |
| 50mm | \$2,246.00 |
| 80mm (or greater) | Quote |
| Additional fee for water service greater than 4.5 metres (Phased in from 2008/2009 at 20% of \$1,200) | \$240.00 |

Application for Standpipe \$49.50**Application for Hydrant Point** \$49.50

Daily Fee—Standpipe and Hydrant \$18.00

Consumption \$1.25
(\$1.25 per kilolitre)**Deferral of Headworks**

Per lot \$64.30

Administration FeeRegister manual memorial \$44.00
Per document**Service call fee to attend to mains damaged by third party**

Total fee to be \$267.00 plus actual cost of repairs \$267.00

Hydrant Repairs

| | |
|----------------------------|----------|
| (a) Raise/lower box | \$168.00 |
| (b) Replace lid | \$146.00 |
| (c) Replace lid/box | \$303.00 |
| (d) Replace hydrant (part) | \$776.00 |
| (e) Raise/lower hydrant | \$802.00 |

Relocating Water Meters

Service Relocation Less Than One (1) Metre from Existing Position

| | |
|------|----------|
| 20mm | \$219.00 |
| 25mm | \$336.00 |
| 40mm | \$364.00 |
| 50mm | \$364.00 |

Service Relocations Greater than One (1) Metre from Existing Position

| | |
|-------------------|------------|
| 20mm | \$750.00 |
| 25mm | \$1,140.00 |
| 40mm | \$1,991.00 |
| 50mm (or greater) | Quote |

D. PHILLIPS, Board Chairman.
B. G. BEVIS, Chief Executive Officer.

DECEASED ESTATES

ZX401

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Adrienne Irene Burr, late of 3 Whelan Street, Port Denison, 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 13 April 2008 are required by the Executor of care of Stables Scott, 8 St Georges Terrace, Perth to send particulars of their claims to him by no later than 22 August 2008, after which date the Executor may convey or distribute the assets having regard only to the claims of which he then has notice.

STATE LAW PUBLISHER SUBSCRIPTION RATES FOR 2009

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| | |
|------------------|----------|
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| | |
|------------------|--------|
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|--------------------------------|--------|
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|------------------|--------|
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www.worksafe.wa.gov.au

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