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CONTENTS

PART 1

| | Page |
|---|------|
| Liquor Control Act 1988—Liquor Control (Australia Day Special Event) Notice 2010 | 150 |
| Hospitals and Health Services Act 1927— | |
| Hospitals (Services Charges) Amendment Regulations (No. 6) 2009..... | 148 |
| Hospitals (Services for Charges for Compensable Patients) Amendment Determination (No. 3) 2009 | 149 |
| Hospitals (Services Charges) Regulations 1984—Hospitals (Services for Charges for Compensable Patients) Amendment Determination (No. 3) 2009 | 149 |
| Vocational Education and Training Act 1996—Vocational Education and Training (Colleges) Amendment Regulations 2010..... | 141 |

PART 2

| | |
|------------------------|-----|
| Deceased Estates | 158 |
| Education | 153 |
| Planning | 153 |
| WorkCover..... | 158 |

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— PART 1 —

EDUCATION

ED301*

Vocational Education and Training Act 1996

Vocational Education and Training (Colleges) Amendment Regulations 2010

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

1. Citation

These regulations are the *Vocational Education and Training (Colleges) Amendment Regulations 2010*.

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. Regulations amended

These regulations amend the *Vocational Education and Training (Colleges) Regulations 1996*.

4. Regulation 12 amended

- (1) In regulation 12(1):
 - (a) delete paragraph (a) and insert:
 - (a) for a category A course — the fee determined in accordance with regulation 13B(1) or 13C(2);

- (2) Delete regulation 12(3) and (4) and insert:
- (2) The unit fee for a unit that is a component of a category A course is the fee determined in accordance with Schedule 1 item 2.

Note: The heading to amended regulation 12 is to read:

Course and unit fees

5. Regulations 13A to 13D inserted

After regulation 12 insert:

13A. Payment methods for category A course

The course fee for a category A course may be paid —

- (a) by semester; or
(b) by paying the whole course fee by instalments.

13B. Payment by semester for category A course

- (1) The course fee for a category A course for a person who pays by semester is the sum of the unit fees payable at the time the person enrolls in a unit for each unit that is a component of the course.
- (2) Subject to subregulation (3), the amount of the course fee payable for a semester by a person enrolled for a category A course who pays by semester is the sum of the unit fees payable for each unit that the person is enrolled in for the semester.
- (3) The maximum amount of the course fee payable by a person for a semester is —
- (a) if the person is a concessional student —
- (i) for the units in which the person is enrolled only for the purpose of assessment of skills and competency — \$145;
- (ii) for all units — \$290;
- (b) if the person is not a concessional student —
- (i) for the units in which the person is enrolled only for the purpose of assessment of skills and competency — \$290;
- (ii) for all units — \$580.
- (4) The course fee payable by a person enrolled for a category A course who pays by semester is due before the commencement of study in the semester.

13C. Payment of whole course fee for category A course

- (1) In this regulation —
payment plan means a plan determined by the college at which a person is enrolled for the payment of the whole course fee by instalments.
- (2) The course fee for a category A course for a person who pays the whole course fee by instalments is the sum of —
 - (a) the unit fees payable at the time the person enrolls in the course for each unit that is a component of the course; and
 - (b) if the person repeats a unit — the unit fee payable for that unit at the time the person enrolls to repeat the unit.
- (3) Subject to subregulations (4) and (5), a person who pays the whole course fee by instalment for a category A course is to make payments in accordance with a payment plan provided to the person by the college at which the person is enrolled.
- (4) The maximum amount of the course fee payable in any period of 6 months by a person who pays the whole course fee by instalments is —
 - (a) if the person is a concessional student — \$290;
 - (b) if the person is not a concessional student — \$580.
- (5) A person is not required to make a payment under a payment plan if the person has withdrawn from the course before the payment becomes due.
- (6) The governing council of a college may cancel the enrolment of a person if —
 - (a) the person fails to make a payment in accordance with a payment plan when it becomes due; and
 - (b) the council has given the person 21 days written notice of its intention to cancel the enrolment; and
 - (c) the payment remains unpaid at the expiry of those 21 days.
- (7) If a person fails to make a payment in accordance with a payment plan when it becomes due, the governing council of the college may recover the amount in a court of competent jurisdiction as a debt due to the college.

13D. Payment for category B and category C courses

A person enrolled for a category B or category C course is to pay the course fee at the time the person enrolls for the course.

6. Regulation 17 amended

Delete regulation 17(2) and insert:

- (2) A person is enrolled as a student at a college if —
- (a) he or she has lodged a completed enrolment form for a course with the college; and
 - (b) subject to regulations 22 and 23, he or she pays —
 - (i) any amount payable in respect of the course fee for the course provided for by Part 3 Division 2 as the payment becomes due; and
 - (ii) any other fee or charge properly payable in connection with the course under regulation 16.

7. Regulations 24 to 26 deleted

Delete regulations 24 to 26.

8. Part 5 Division 3 inserted

At the end of Part 5 insert:

Division 3 — Refund of fees**24A. Terms used**

In this Division —

payment period, in relation to the payment of the whole course fee by instalments for a category A course, means a period of 6 months commencing on the date the payment is due under the payment plan;

pro rata refund means —

- (a) for a category A unit where fees are paid by semester — a refund of the same proportion of the fee paid by a person for the unit as the proportion of the unit that had not been delivered at the time the person withdrew from the unit;
- (b) for a category A course where the whole course fee is paid by instalments — a refund of the

same proportion of the payment made by a person for a payment period as the proportion of the course to be delivered in that payment period that had not been delivered at the time the person withdrew from the course;

unforeseen circumstances means a change of circumstances that a person could not reasonably have foreseen before the expiry of the allowed period under regulation 25(2).

24B. Withdrawal from course or unit

For the purposes of this Division, a person withdraws from a course or unit when he or she gives the college providing the course or unit a notice of withdrawal, in a form provided by the college, or if no form is provided, in writing.

24. Refund of fees on cancellation etc. of course or unit

A person enrolled for a course or a unit that is a component of a course is entitled to a full refund of all fees paid in respect of a semester or payment period for that course or unit —

- (a) if, after the commencement of the semester or payment period, the course or unit is cancelled; or
- (b) if, after the commencement of the semester or payment period —
 - (i) there is a change in the day or time scheduled for the course or unit; and
 - (ii) the person withdraws from the course or unit because the day or time as changed is not suitable for him or her.

25. Full refund of certain fees on withdrawal within specified period

- (1) A person enrolled for a course or for a unit that is a component of a course is entitled to a full refund of all fees paid in respect of a semester or a payment period for that course or unit if within the allowed period the person withdraws from the course.
- (2) For the purpose of subregulation (1) the allowed period is the period ending —
 - (a) 4 weeks after the commencement of delivery of the course or the unit in that semester or payment period; or
 - (b) when 25% of the course or unit has been delivered in that semester or payment period,whichever is the sooner.

26. Pro rata refund of certain fees on withdrawal

- (1) A person enrolled for a category A unit who pays fees by semester is entitled to a pro rata refund of the fees paid for the unit if, after the expiry of the allowed period for that unit under regulation 25(2), he or she —
- (a) withdraws from the unit; and
 - (b) provides evidence to the satisfaction of the governing council that the withdrawal is due to unforeseen circumstances.
- (2) A person enrolled for a category A course who pays the whole course fee by instalments is entitled to a pro rata refund of the amount of the fee paid in respect of a payment period if after the expiry of the allowed period for that payment period under regulation 25(2), he or she —
- (a) withdraws from the course; and
 - (b) provides evidence to the satisfaction of the governing council that the withdrawal is due to unforeseen circumstances.

9. Schedule 1 replaced

Delete Schedule 1 and insert:

Schedule 1 — Fees

[r. 9 and 12]

| Item | Fee for | Fee (\$) |
|------|--|----------|
| 1. | Late application (r. 9(2)) | 75.00 |
| 2. | Unit fee for unit that is a component of a category A course (r. 12(2)) — | |
| | (a) For a person who is not a concessional student and is enrolled to undertake the unit — | |
| | (i) for a band 1 unit | 14.00 |
| | (ii) for a band 2 unit | 30.00 |
| | (iii) for a band 3 unit | 62.00 |
| | (iv) for a band 4 unit | 124.00 |
| | (b) For a person who is a concessional student and is enrolled to undertake the unit — | |
| | (i) for a band 1 unit | 7.00 |
| | (ii) for a band 2 unit | 15.00 |

| Item | Fee for | Fee (\$) |
|------|---|----------|
| | (iii) for a band 3 unit | 31.00 |
| | (iv) for a band 4 unit | 62.00 |
| | (c) For a person who is not a concessional student and is enrolled for the purpose of assessment of skills and competency — | |
| | (i) for a band 1 unit | 7.00 |
| | (ii) for a band 2 unit | 15.00 |
| | (iii) for a band 3 unit | 31.00 |
| | (iv) for a band 4 unit | 62.00 |
| | (d) For a person who is a concessional student and is enrolled for the purpose of an assessment of skills and competency — | |
| | (i) for a band 1 unit | 3.50 |
| | (ii) for a band 2 unit | 7.50 |
| | (iii) for a band 3 unit | 15.50 |
| | (iv) for a band 4 unit | 31.00 |
| 3. | Category B course, per semester (r. 12(1)) | 25.00 |
| 4. | Category C course, per hour or part of an hour, for the course (r. 12(1)) | 4.15 |

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

R. KENNEDY, Clerk of the Executive Council.

HEALTH

HE301*

Hospitals and Health Services Act 1927

**Hospitals (Services Charges) Amendment
Regulations (No. 6) 2009**

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

1. Citation

These regulations are the *Hospitals (Services Charges) Amendment Regulations (No. 6) 2009*.

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. Regulations amended

These regulations amend the *Hospitals (Services Charges) Regulations 1984*.

4. Schedule 1 amended

In Schedule 1 Division 3:

- (a) in item 5(b) delete “\$5.30” and insert:

\$5.40

- (b) in item 5(c)(i)(I) delete “\$32.90” and insert:

\$33.30

- (c) in item 5(c)(i)(II) delete “\$26.30” and insert:

\$26.60

(d) in item 5(c)(ii) delete “\$26.30” and insert:

\$26.60

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

R. KENNEDY, Clerk of the Executive Council.

HE302*

Hospitals and Health Services Act 1927

Hospitals (Services Charges) Regulations 1984

Hospitals (Services for Charges for Compensable Patients) Amendment Determination (No. 3) 2009

Made by the Minister for Health under section 37(3)(af) of the Act and regulation 5(2) of the regulations.

1. Citation

This determination is the *Hospitals (Services for Charges for Compensable Patients) Amendment Determination (No. 3) 2009*.

2. Commencement

This determination comes into operation as follows —

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

3. Determination amended

This determination amends the *Hospitals (Services Charges for Compensable Patients) Determination 2005*.

4. Schedule 1 amended

In Schedule 1 Division 2:

(a) in item 7(a)(i) delete "\$32.90" and insert:

\$33.30

(b) in item 7(a)(ii) delete "\$26.30" and insert:

\$26.60

(c) in item 7(b) delete "\$26.30" and insert:

\$26.60

Dr K. HAMES, Minister for Health.

Date: 31 December 2009.

RACING, GAMING AND LIQUOR

RG301*

Liquor Control Act 1988

**Liquor Control (Australia Day Special Event)
Notice 2010**

Made by the Minister for Racing and Gaming under sections 126E(2) and 155(6)(a) of the Act.

1. Citation

This notice is the *Liquor Control (Australia Day Special Event) Notice 2010*.

2. Declaration of Australia Day special event

- (1) For the purposes of the Act, the event known as the City of Perth Australia Day Skyworks 2010 is declared to be a special event.
- (2) The declaration under subclause (1) has effect only —
 - (a) during the period that begins at 8 a.m. and ends at midnight on 26 January 2010; and
 - (b) in respect of the area described in Schedule 1.

3. Map of area of Australia Day special event may be inspected

A map depicting the area described in Schedule 1 is available for public inspection during normal business hours at the Department of Racing, Gaming and Liquor, Level 1, 87 Adelaide Terrace, East Perth.

Schedule 1 — Area of Australia Day special event

[cl. 2(2)(b)]

The area referred to in clause 2(2)(b) is that portion of land and water, including all parks, reserves, roads, streets, bridges, paths, footbridges, underpasses and jetties bounded by lines — starting from the point on the shore of the Swan River where a notional extension of the south side of the footbridge over the Kwinana Freeway from the shore to Melville Parade between Hardy Street and Charles Street in South Perth meets the river; then easterly along that notional extension across the Kwinana Freeway and along the south side of that footbridge and along a notional extension of that south side to the east side of Melville Parade; then northerly along the east side of Melville Parade to the south side of Judd Street; then easterly along the south side of Judd Street and along a notional extension of that side to the west side of Labouchere Road; then southerly along the west side of Labouchere Road to the south side of Angelo Street; then easterly along the south side of Angelo Street to the west side of Douglas Avenue; then south easterly along the west side of Douglas Avenue to the east side of Canning Highway; then north easterly along the east side of Canning Highway to the north east corner of the intersection of Shepperton Road, Great Eastern Highway and the Causeway in Victoria Park; then westerly along the north side of the Causeway to Adelaide Terrace in East Perth; then westerly along the north side of Adelaide Terrace to the north side of St. Georges Terrace in Perth; then westerly along the north side of St Georges Terrace to the west side of William Street; then southerly along the west side of William Street to the north side of Mounts Bay Road;

then westerly along the north side of Mounts Bay Road to the east side of the southern part of Cliff Street;

then northerly along the east side of the southern part of Cliff Street, the east side of Jacobs Ladder and the east side of the northern part of Cliff Street to the north side of Malcolm Street in West Perth;

then westerly along the north side of Malcolm Street to the north side of Kings Park Road;

then westerly along the north side of Kings Park Road to the west side of Thomas Street in Subiaco;

then south westerly along the west side of Thomas Street to the west side of Winthrop Avenue;

then southerly along the west side of Winthrop Avenue to the south side of Mounts Bay Road;

then easterly along the south side of Mounts Bay Road to the west side of Hackett Drive;

then southerly along the west side and westerly along the north side of Hackett Drive to the west side of the road to the car parking area adjacent to the boat launching ramp that is immediately south of Hackett Drive near Princess Road;

then southerly along the west side of that road and car parking area to the shore of Swan River;

then generally easterly, westerly, northerly and easterly along the shore of the Swan River, including all jetties, to a point directly under the west side of the westernmost Narrows Bridge;

then southerly along the west side of that bridge to a point directly over the shore on the south side of the Swan River;

then westerly and southerly along the shore of the Swan River to the starting point.

Dated: 24 December 2009.

T. WALDRON, Minister for Racing and Gaming.

— PART 2 —

EDUCATION

ED401*

EDITH COWAN UNIVERSITY ACT 1984

APPOINTMENTS

Edith Cowan University Council (Appointment of Member)
Instrument (No. 3) 2009

Made by the Governor in Executive Council under sections 9(1)(a) and 10 of the *Edith Cowan University Act 1984*

Citation

1. This is the *Edith Cowan University Council (Appointment of Member) Instrument (No. 3) 2009*.

Appointment of member

2. The Hon Hendy Cowan is reappointed to be a member of the Council of Edith Cowan University for a third term of 3 years commencing on 31 January 2010.

Dated this 15th day of December 2009.

G. MOORE, Clerk of the Executive Council

PLANNING

PI401*

PLANNING AND DEVELOPMENT ACT 2005

APPROVED LOCAL PLANNING SCHEME AMENDMENT

Shire of Harvey

District Planning Scheme No. 1—Amendment No. 87

Ref: 853/6/12/18 Pt 87

It is hereby notified for public information, in accordance with section 87 of the Planning and Development Act 2005 that the Minister for Planning approved the Shire of Harvey local planning scheme amendment on 29 December 2009 for the purpose of—

1. Inserting “Family Day Care” as an ‘SA’ land use category into the zoning and development tables for the “Residential” (Tables 2 & 3), “Residential Development” (Tables 4, 5 & 6), “Special Residential” (Table 1), “Special Rural” (Table 31) and “Special Rural & Landscape Protection” (Table 32) zones with the following development standards—

Minimum lot areas: At Council’s discretion

Minimum lot areas for dwelling unit: At Council’s discretion

Boundary setbacks—

Front: At Council’s discretion

Rear: At Council’s discretion

Sides: At Council’s discretion

Minimum car parking spaces: At Council’s discretion

Minimum landscaping: At Council’s discretion

Other requirements: Council Policy 15.13 applies

2. Amending the use “Day Care Centre” to “Child Care” in the zoning and development tables for land zoned “Residential” (Tables 2 & 3), “Residential Development” (Tables 4, 5 & 6), “Shop” (Tables 9, 10 & 11), “Office” (Tables 12 & 13) and “Other Community” (Tables 23 & 24) and removing the obsolete definition for “Day Care Centre” from Schedule 13—‘Interpretations’;

3. Inserting updated definitions for “Family Day Care” and “Child Care” into Schedule 13—‘Interpretations’ of the DPS as follows—

Family Day Care—

Premises used in accordance with the Child Care Services Act 2007 to provide a child care service, at a place where—

- (a) the person providing the service lives; and
- (b) none of the children to whom the service is provided live.

Child Care—

Premises (not including a residential dwelling), used in accordance with the Child Care Services Act 2007 to provide for the casual, part-time or day-to-day care of children—

- (a) for payment or reward, whether directly or indirectly through payment or reward for some other service; or
- (b) as a benefit of employment; or
- (c) as an ancillary service to a commercial or recreational activity;

4. Removing the use “Family Care Centre” from the “Other Community” zoning and development table and the corresponding reference in Schedule 13 of the DPS.

P. F. MONAGLE, Shire President.

M. A. PARKER, Chief Executive Officer.

PI402*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT
Shire of Chapman Valley
 Town Planning Scheme No. 1—Amendment No. 41

Ref: 853/3/17/1 Pt 41

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the Shire of Chapman Valley local planning scheme amendment on 29 December 2009 for the purpose of—

- 1 Rezoning Lot 2427 Chapman Valley Road, Narra Tarra from “General Farming” to “Special Rural”
- 2 Adding to Appendix 6 of the Scheme Text, “Area No. 18—Lot 2427 Chapman Valley Road” as follows—

| AREA No. 18 | LOT 2427 CHAPMAN VALLEY ROAD NARRA TARRA |
|--------------------|--|
| Subdivision | <ul style="list-style-type: none"> (a) Subdivision, development and land use shall generally be in accordance with the Subdivision Guide Plan as adopted by the local government and endorsed by the Western Australian Planning Commission. (b) The minimum lot size shall be 20 hectares. |
| Building | <ul style="list-style-type: none"> (a) Buildings shall be confined to the building envelopes as identified in the Subdivision Guide Plan. (b) All buildings shall be sympathetic to existing landscape elements, namely landform, vegetation and amenity, in terms of their design, height, location, materials and cladding colours. (c) All stormwater and runoff from buildings and other impervious surfaces shall be disposed of within each lot so as to avoid scouring and erosion. (d) All building development shall accord with the local government’s Rural Bushfire and Development Policy & FESA requirements. (e) All property boundaries for new lots shall be fenced to a minimum standard of 6 strand ring lock in a uniform manner. |

| AREA No. 18 | LOT 2427 CHAPMAN VALLEY ROAD NARRA TARRA |
|------------------------------|--|
| Stock Control | <p>(a) The keeping of animals (other than domestic pets) shall accord with the maximum stocking rates as prescribed by the Department of Agriculture and Food.</p> <p>(b) Application for approval to increase the stocking rate above the minimum prescribed is to be submitted to and determined by the local government. The local government in determining an application for an increase in the stocking rate may consult with Department of Agriculture and Food and affected surrounding land owners on desirable rates and applicable pasture types.</p> <p>(c) Notwithstanding a) above, the local government may reduce or vary the limit on stocking or place any other conditions in light of prevailing seasonal conditions to prevent overstocking, erosion, or other practices detrimental to the environment or amenity of the neighbouring properties.</p> |
| Vegetation Protection | <p>(a) Prior to the stocking of any lot, all remnant vegetation (excluding areas for fire control, driveway access and servicing) shall be protected from livestock by means of fencing to an appropriate standard to the satisfaction of the local government.</p> <p>(b) Remnant vegetation is not to be cleared outside of the building envelopes.</p> |
| Servicing | <p>(a) No dwelling shall be constructed or approved for construction unless an approved method of on-site effluent disposal suitable for long-term usage has been incorporated into the approved plans to the satisfaction of local government in consultation with the Health Department of WA.</p> <p>(b) The local government may request the WA Planning Commission impose a condition at the time of subdivision that requires the subdivider provide fire fighting facilities (or a financial contribution in-lieu of) in accordance with the local government's Rural Bushfire Policy requirements.</p> <p>(c) Construction of a single dwelling on any proposed lot shall be supported by a minimum roof catchment area of at least 300m² from all building/s and a rain water storage tank of at least 100,000 litres to sustain a potable water supply for domestic use and fire fighting purposes in accordance with the local government's Rural Bushfire and Development Policy requirements.</p> <p>(d) The local government may request the WA Planning Commission impose a condition at the time of subdivision requiring the subdivider to determine the quantity and quality of ground water, with this data to be made available to the local government and prospective purchasers of the land.</p> |
| Land Use | <p>(a) Landowners shall not proceed with any form of development or change in land use without having obtained planning consent from the local government.</p> <p>(b) Construction of a dam or soak on the property shall be subject to formal planning consent being granted by the local government.</p> |
| Advice to Purchasers | <p>(a) The local government may request the WA Planning Commission impose a condition at the time of subdivision that requires the subdivider to ensure that purchasers and successors in title are advised of—</p> <p>(i) The Local Planning Scheme provisions which relate to the use and management of the land; and</p> <p>(ii) The constraints associated with the use of ground and surface water for intensive agricultural pursuits, and the need to liaise with the Department of Water regarding ground water licensing requirements for commercial use.</p> |

3 Amend the Scheme Maps accordingly.

J. P. COLLINGWOOD, Shire President.
D. SELLENGER, Chief Executive Officer.

PI403*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT
Shire of Coorow

Town Planning Scheme No. 2—Amendment No. 4

Ref: 853/3/20/2 Pt 4

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the Shire of Coorow local planning scheme amendment on 29 December 2009 for the purpose of—

1. Deleting the use class of “Dwelling” indicated in Table 1: Zoning Table comprised within Part 4 of the Scheme, and inserting the following into Table 1—

| Use Classes | ZONES | | | | | | | |
|-------------------|-------------|------------|------------|---------------|-------|-------------------|------------------------|------------------------------|
| | Residential | Commercial | Industrial | Tourist Accom | Rural | Rural Residential | Places Public Assembly | Private Clubs & Institutions |
| Dwelling—Single | P | X | X | D | P | P | X | X |
| Dwelling—Grouped | D | X | X | D | D | X | X | X |
| Dwelling—Multiple | D | X | X | D | X | X | X | X |

2. Amend the Table of Contents by inserting additional Sections to Part 5—General Development Requirements titled 5.16—Additional Provisions Relative to the General Agricultural Zone, and 5.17—Detailed Area Plans.
3. Inserting the following Land Use Definitions into Schedule 1—Dictionary of Defined Words and Expressions—

“**Dwelling—Single**” has the same meaning as in the Residential Design Codes of Western Australia;

“**Dwelling—Grouped**” has the same meaning as in the Residential Design Codes of Western Australia;

“**Dwelling—Multiple**” has the same meaning as in the Residential Design Codes of Western Australia;

4. Inserting a new part—Part 15.16—Additional Provisions Relative to the General Agricultural Zone, as follows—

5.16 ADDITIONAL PROVISIONS RELATIVE TO THE RURAL ZONE

5.16.1 The erection of a grouped dwelling may be permitted within the Rural zone providing the overall property (farming unit) is greater than 250 hectares in area and sufficient justification can be provided to demonstrate a need based on agricultural/farm management purposes to the satisfaction of the local government.

5. Inserting a new part—Part 15.17—Detailed Area Plans, as follows—

5.17 DETAILED AREA PLANS

5.17.1.1 (a) The Local Government or the Western Australian Planning Commission may require a person to prepare and submit to the Local Government a Detailed Area Plan.

(b) A Detailed Area Plan is to be consistent with the Scheme.

5.17.1.2 A Detailed Area Plan shall be submitted to the Local Government in quadruplicate or such other quantity specified by the Local Government.

5.17.1.3 A Detailed Area Plan is to relate to a particular lot or lots and may be prepared and submitted—

(a) to satisfy a condition of subdivision and/or planning approval;

(b) in place of an application for planning approval required to comply with Clause 2.3 of the Residential Design Codes; or

(c) for any other planning purpose.

5.17.2 Matters that may be included in a Detailed Area Plan

5.17.2.1 A Detailed Area Plan may include details as to—

(a) building envelopes and setbacks;

(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, site and building levels and drainage;
- (i) protection of sites of heritage, conservation, flora or environmental significance;
- (j) special development controls and guidelines; and
- (k) such other information considered relevant by the Local Government.

5.17.3 Consideration of a Detailed Area Plan

- 5.17.3.1 Upon submission of a Detailed Area Plan to the Local Government for consideration the Local Government is to assess the Detailed Area Plan within sixty (60) days if advertising is not required and ninety (90) days if advertising is required, and—
- (a) adopt the Detailed Area Plan with or without conditions and/or modifications which the Local Government may make or require the proponent to make; or
 - (b) refuse to approve the Detailed Area Plan.
- 5.17.3.2 If within sixty (60) days if advertising is not required and ninety (90) days if advertising is required of receiving a Detailed Area Plan under subclause 5.17.3.1, or such longer period as may be agreed in writing between the proponent and the Local Government, the Local Government has not made one of the determinations referred to in subclause 5.17.3.1, the Local Government is deemed to have refused to approve the Detailed Area Plan.
- 5.17.3.3 If the Local Government requires modifications under subclause 5.17.3.1 (a), the proponent shall make the modifications in consultation with the Local Government and resubmit the Detailed Area Plan. The Local Government may make the modifications required under subclause 5.17.3.1 (a).
- 5.17.3.4 Following approval by the Local Government and any modifications required by the Local Government under subclause 5.17.3.1 (a) being made to the Detailed Area Plan where required, the Detailed Area Plan should be certified by an officer authorised by Local Government.
- 5.17.3.5 A copy of the certified Detailed Area Plan is to be sent to the Western Australian Planning Commission for its adoption within 14 days of certification of the Detailed Area Plan, where such detailed area plans relates to or may have bearing on the sub-division of land.

5.17.4 Public Notice of a Detailed Area Plan

- 5.17.4.1 The Local Government may at its discretion require a Detailed Area Plan to be advertised with or without conditions and/or modifications, prior to Local Government considering the Detailed Area Plan under Clause 5.17.3.1.
- 5.17.4.2 The Local Government may at its discretion require an Amendment to a Certified Detailed Area Plan to be advertised with or without conditions and/or modifications, prior to the Local Government considering the Amendment to the Certified Detailed Area Plan under Clause 5.17.4.1.
- 5.17.4.3 Such publicity shall be undertaken by the proponent in accordance with the provisions of Clause 9.4 as may be directed by the Local Government.

5.17.5 Operation of a Certified Detailed Area Plan

- 5.17.5.1 A Certified Detailed Area Plan shall come into operation on the date it is certified under Clause 5.17.3.4.
- 5.17.5.2 Once a Detailed Area Plan has been approved by the Local Government it shall be used, as the basis for—
- (a) making recommendations to the Western Australian Planning Commission on subdivision applications;
 - (b) determining requests to clear a condition of subdivision approval; and
 - (c) determining applications for planning approval.
- 5.17.5.3 Once a detailed area plan has been approved by the Western Australian Planning Commission the Commission will give due consideration to the requirements of the Detailed Area Plan in relation to its decisions in respect of the development and/or sub-division of land.

5.17.5.4 Under a Detailed Area Plan—

- (a) the standards and requirements applicable to zones and R-Codes under the Scheme shall apply to the same extent to the areas having corresponding designations under the Certified Detailed Area Plan; however notwithstanding the provisions of subparagraph (c), a Certified Detailed Area Plan may by a clear statement of intent to do so, make provision for the design standards and requirements applicable to R-Codes and zones to be varied, and the design standard or requirement varied in that way shall apply within the area of the Certified Detailed Area Plan, or any stipulated part of that area of the Certified Detailed Area Plan;
- (b) provisions duplicating or substantially to the same effect as any provisions of the Scheme shall have the same force and effect in regard to the land in the Detailed Area Plan as if they were provisions of the Scheme;
- (c) any other provision, standard or requirement in relation to the R-Codes and zones in the Certified Detailed Area Plan shall be given the same force and effect as if it was a provision, standard or requirement of the Scheme, but subject to the provision of subclause 5.17.5.2 (a) allowing for a specific variation to the design standards and requirements by a Detailed Area Plan, if there is any other inconsistency or conflict not addressed as an intended variation by the Certified Detailed Area Plan, the provision, requirement or standard of the Scheme shall prevail.

5.17.6 Amendment or Revocation of a Certified Detailed Area Plan

- 5.17.6.1 A Detailed Area Plan may be amended provided the process of consideration of such an amendment complies requirements of clauses 5.17.1, 5.17.2, 5.17.3, 5.17.4, & 5.17.5.
- 5.17.6.2 The Local Government may revoke a Detailed Area Plan. Following the Council's decision to revoke a Detailed Area Plan, the Local Government is to advise the Western Australian Planning Commission of its decision to revoke the Detailed Area Plan.

M. J. GIRANDO, Shire President.
M. J. HOOK, Chief Executive Officer.

WORKCOVER

WC401*

WORKERS' COMPENSATION AND INJURY MANAGEMENT ACT 1981

NOTICE OF EXEMPTION

Given by the WorkCover WA Authority for the purposes of section 164 of the *Workers' Compensation and Injury Management Act 1981*.

Notice is given that on 30 December 2009, the Governor, acting under section 164 of the *Workers' Compensation and Injury Management Act 1981* and with the advice and consent of Executive Council, exempted St Georges Bank Ltd and Asgard Wealth Solutions Pty Ltd from the obligation to insure pursuant to that Act, except for the obligation to insure against liability to pay compensation under that Act for any industrial disease of the kinds referred to in section 151 (a) (iii) of the Act.

GREG JOYCE, Chairman of the Board.

DECEASED ESTATES

ZX401

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

George Graham Eugene Wiseman late of Shawford Lodge, 4 Shawford Place, Innaloo, Western Australia, Merchant, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962* relates) in respect of the deceased who died on, 17 November 2009 are required by the Executors George Robert Wiseman and Andrew Paul Wiseman to send particulars of their claim to them, care of Butcher Paull & Calder, 8th Floor, 231 Adelaide Terrace, Perth WA 6000 (Ref: TWH/20090878) within ONE (1) month of the date of publication hereof after which date the Executors may convey or distribute the assets having regard to the claims of which they then have notice.

Dated: 13th January 2010.

BUTCHER PAULL & CALDER as solicitors for the Executors.
