



WESTERN AUSTRALIAN GOVERNMENT Gazette

ISSN 1448-949X PRINT POST APPROVED PP665002/00041



453

PERTH, TUESDAY, 13 FEBRUARY 2007 No. 25

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 3.30 PM

© STATE OF WESTERN AUSTRALIA

CONTENTS

PART 1

Casino Control Act 1984—Casino Control (Authorised Games) Amendment Notice 2007..... Page 455

PART 2

Deceased Estates ..... 471
Fisheries ..... 456
Health ..... 456
Justice ..... 457
Local Government ..... 458
Minerals and Petroleum ..... 459
Planning and Infrastructure ..... 459
Premier and Cabinet ..... 469
Water/Sewerage ..... 470

## **IMPORTANT COPYRIGHT NOTICE**

© State of Western Australia

This work is copyright. Apart from any use as permitted under the *Copyright Act 1968*, no part may be reproduced by any process without written permission from the Attorney General for Western Australia. Inquiries in the first instance should be directed to the Government Printer, State Law Publisher, 10 William St, Perth 6000.

## **PUBLISHING DETAILS**

The Western Australian *Government Gazette* is published by State Law Publisher for the State of Western Australia on Tuesday and Friday of each week unless disrupted by Public Holidays or unforeseen circumstances.

Special *Government Gazettes* containing notices of an urgent or particular nature are published periodically.

The following guidelines should be followed to ensure publication in the *Government Gazette*.

- Material submitted to the Executive Council prior to gazettal will require a copy of the signed Executive Council Minute Paper and in some cases the Parliamentary Counsel's Certificate.
- Copy must be lodged with the Sales and Editorial Section, State Law Publisher no later than 12 noon on Wednesday (Friday edition) or 12 noon on Friday (Tuesday edition).

Delivery address:

State Law Publisher  
Ground Floor,  
10 William St. Perth, 6000  
Telephone: 9321 7688 Fax: 9321 7536

- Inquiries regarding publication of notices can be directed to the Editor on (08) 9426 0010.
- Lengthy or complicated notices should be forwarded early to allow for preparation. Failure to observe this request could result in the notice being held over.

If it is necessary through isolation or urgency to fax copy, confirmation is not required by post. *If original copy is forwarded later and published, the cost will be borne by the advertiser.*

## **ADVERTISING RATES AND PAYMENTS**

EFFECTIVE FROM 1 JULY 2006 (Prices include GST).

Deceased Estate notices, (per estate)—\$23.70

Real Estate and Business Agents and Finance Brokers Licences, (per notice)—\$55.20

Other articles in Public Notices Section—\$55.20 minimum charge (except items of an exceptionally large nature. In these instances arrangements will be made for pricing the notice at time of lodging).

All other Notices

Per Column Centimetre—\$11.05

Bulk Notices—\$201.70 per page

Clients who have an account will be invoiced for advertising charges.

Clients without an account will need to pay at time of lodging the notice.

# — PART 1 —

---

---

## RACING, GAMING AND LIQUOR

---

---

RG301\*

Casino Control Act 1984

### Casino Control (Authorised Games) Amendment Notice 2007

Given by the Gaming and Wagering Commission of Western Australia under section 22(1).

#### 1. Citation

This notice is the *Casino Control (Authorised Games) Amendment Notice 2007*.

#### 2. Principal notice amended

- (1) The amendments in this section are to the *Casino Control (Authorised Games) Notice 1992\**, given under the *Casino Control Act 1984* section 22(1).

[\* *Published in Gazette 20 December 1985, p. 4825.*  
*For amendments to 23 January 2007 see Western Australian Legislation Information Tables for 2005, Table 4, and Gazette 13 October and 14 November 2006.*]

- (2) In the item commencing “Poker in any of the following variations —” after the paragraph “(aa) 3 Card Poker” by inserting —

“

(ab) 4 Card Poker

”

- (3) In the item commencing “Poker in any of the following variations —” after the paragraph “(p) Texas Hold’Em Progressive” by inserting —

“

(q) Ultimate Texas Hold’Em

”

Dated 7/2/2007.

For the Gaming and Wagering Commission of Western Australia.

MICHAEL CONNOLLY, Chief Casino Officer.

---

---

## — PART 2 —

---

---

### FISHERIES

---

---

FI401\*

**PEARLING ACT 1990**

Section 23(8)

**GRANT OF AN EMERGENCY PEARL OYSTER FARM LEASE  
SERRURIER ISLAND**

FD 560/06

I, Peter Millington, the Chief Executive Officer of the Department of Fisheries, Western Australia, pursuant to Section 23 of the *Pearling Act 1990* ("the Pearling Act") have granted an application by Exmouth Pearls Pty Ltd, for an emergency pearl oyster farm lease, in respect of an area of water located at Serrurier Island valid until 31 August 2007.

Under section 33(1) of the Pearling Act a person aggrieved by my decision may apply to the State Administrative Tribunal (SAT) for a review of the decision. Application forms can be obtained from the SAT located at Level 4, 12 St Georges Terrace, Perth WA or from the SAT's website at [www.sat.justice.wa.gov.au](http://www.sat.justice.wa.gov.au). The application together with any supporting documents should be lodged with the SAT within 28 days of publication of the Notice. When an application is accepted by the Chief Executive Officer of the SAT, the applicant is to give a copy of the application to the Chief Executive Officer, Department of Fisheries, Level 3, 168 St Georges Terrace, Perth WA.

Dated this 5th day of February 2007.

P. J. MILLINGTON, Chief Executive Officer, Department of Fisheries.

---

---

### HEALTH

---

---

HE401

**MEDICAL ACT 1894**

MEDICAL (UNMET AREA OF NEED) DETERMINATION (NO. 33) 2006

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. 33) 2006*.

**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 2 years after its commencement.

**Schedule**

Consultant Obstetrician and Gynaecologist (Assisted Reproduction) at PIVET Medical Centre and rotated to—

Bethesda Hospital  
Mount Hospital  
St John of God Subiaco  
Mount Lawley Private Hospital and  
Glengarry Hospital

Dated this 2nd day of February 2007.

JIM MCGINTY, MLA, Minister for Health.

**HE402****MEDICAL ACT 1894****MEDICAL (UNMET AREA OF NEED) DETERMINATION (NO. 4) 2007**

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) 2007*.

**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 2 years after its commencement.

**Schedule**

General Medical Services in the suburb of Yangebup in the City of Cockburn.

Dated this 2nd day of February 2007.

JIM MCGINTY, MLA, Minister for Health.

**HE403****MEDICAL ACT 1894****MEDICAL (UNMET AREA OF NEED) DETERMINATION (NO. 5) 2007**

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. 5) 2007*.

**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 5 years after its commencement.

**Schedule**

Consultant infectious diseases physician in the South Metropolitan Area Health Service.

Dated this 2nd day of February 2007.

JIM MCGINTY, MLA, Minister for Health.

---

---

**JUSTICE**

---

---

**JU401\*****JUSTICES OF THE PEACE ACT 2004****APPOINTMENT**

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

Stephen John Jefferies of Lot 20A Barrack Road, Tammin

ROBERT M. CARTER, A/Executive Director,  
Court and Tribunal Services.

**JU402\*****COURT SECURITY AND CUSTODIAL SERVICES ACT 1999****PERMIT DETAILS**

Pursuant to the provisions of section 51 of the *Court Security and Custodial Services Act 1999*, the Director General of the Department of the Attorney General has issued the following persons with Permits to do High-Level Security Work—

Surname	First Name(s)	Permit Number	Date Permit Issued	Permit Commence Date	Permit Expiry Date
Aitken	Alexander John	CS7-058	9/02/2007	9/02/2007	30/07/2008
Burke	Jeannetta Ann	CS7-059	9/02/2007	9/02/2007	30/07/2008
Davidson	Christopher Paul Malcolm	CS7-060	9/02/2007	9/02/2007	30/07/2008
Evans	Brian William	CS7-061	9/02/2007	9/02/2007	30/07/2008
Frew	James	CS7-062	9/02/2007	9/02/2007	30/07/2008
Hardwick	Natalie Patricia	CS7-063	9/02/2007	9/02/2007	30/07/2008
Pleydell	Anthony Stephen	CS7-065	9/02/2007	9/02/2007	30/07/2008
Rangasamy	Sornapooman	CS7-066	9/02/2007	9/02/2007	30/07/2008
Zikhali	Bigboy	CS7-067	9/02/2007	9/02/2007	30/07/2008

This notice is published under section 57(1) of the *Court Security and Custodial Services Act 1999*.

GREGORY RICKIE, A/CSCS Contract Manager.

---

## **LOCAL GOVERNMENT**

---

**LG401\****SHIRE OF DUMBLEYUNG***APPOINTMENTS**

The Shire of Dumbleyung advises for public information the appointment of Philip James Gough as authorised officer to operate within the Shire of Dumbleyung to enforce the following Acts, Regulations and Local Laws effective immediately—

- Local Government Act 1995,
- Local Government (Miscellaneous Provisions) Act 1960
- Dog Act 1976
- Litter Act 1976
- Bushfires Act 1954 and Regulations
- Bushfires (Infringements) Regulations 1978
- Control of off Road Vehicles (Off Road Areas) Act 1978 and Regulations
- Caravan Parks and Camping Grounds Act and Regulations 1997
- Shire of Dumbleyung Local Laws

IAN V CRAVEN, Chief Executive Officer.

**LG402****DOG ACT 1976***Shire of Trayning***APPOINTMENTS**

That the following persons be appointed under the provisions of the Dog Act 1976.

Registration Officers—

- Darren Mollenoyux
- David Burton
- Belinda Taylor
- Deborah Thompson
- Janine Eeles

## Authorised Offices—

Darren Mollenoyux

David Burton

Eric Eeles

Alexander Buchan

All previous appointments are hereby cancelled.

D. R. MOLLENOYUX, Chief Executive Officer.

---

---

**MINERALS AND PETROLEUM**

---

---

**MP401\***

Commonwealth of Australia

**PETROLEUM (SUBMERGED LANDS) ACT 1967**

## GRANT OF EXPLORATION PERMIT

Exploration Permit No. WA-390-P has been granted to Hess Exploration Australia Pty Limited to have effect for a period of six (6) years from 6 February 2007.

W. F. MASON, A/Director Petroleum  
and Royalties Division.**MP402\*****PETROLEUM PIPELINES ACT 1969**

## VARIATION OF PIPELINE LICENCE

Pipeline Licence PL 40 held by, DBNGP (WA) Nominees Pty Ltd has been varied by instrument of Variation 1P/06-7, to authorise the Licensee to design, construct, install, test and operate the Stage 5A Expansion Project including 571 km approx of looping, aftercooler bays, scrubber, and control room facilities.

W. F. MASON, A/Director Petroleum  
and Royalties Division.

---

---

**PLANNING AND INFRASTRUCTURE**

---

---

**PI401\*****PLANNING AND DEVELOPMENT ACT 2005**

## APPROVED LOCAL PLANNING SCHEME AMENDMENT

*Shire of Murray*

Town Planning Scheme No 4.—Amendment No.174

Ref: 853/6/16/7 Pt 174

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 Murray local planning scheme amendment on 15 January 2007 for the purpose of—

1. Rezoning Lot 152 Pinjarra Road, Furnissdale from “Special Use” to “Commercial” as depicted on the Scheme Amendment map.
2. Deleting the Special Provisions, which apply to the subject land under Schedule 5 of the Scheme (Special Use zone controls).
3. Amending the Scheme map by inserting the following details in the legend—
  - (a) The heading “PEEL REGION SCHEME RESERVATIONS”; and
  - (b) Beneath the above mentioned heading, the reservation “Primary Regional Roads, together with a legend panel, coloured consistent with the Peel Region Scheme.
4. Including part of Lot 152 Pinjarra Road within the Primary Regional Roads Reservation.

5. Inserting Special Control Area provisions forming part of the Model Scheme Text provisions as Part VI of TPS4 as follows—

6.14 SPECIAL CONTROL AREAS

6.14.1 Operation of special control areas

6.14.1.1 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 12.
- (b) Development Contribution Areas are shown on the Scheme map as DCA with a number and included in Schedule 13—Development Contribution Plans.

6.14.1.2 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.

Development Areas

6.14.2 Development Areas

6.14.2.1 Interpretation

In clause 6.14.2, 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 6.14.2.

6.14.2.2 Purpose of Development Areas

6.14.2.2.1 The purposes of Development Areas are to

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

6.14.2.2.2 Schedule 12 describes the Development Areas in detail and sets out the specific purposes and requirements that apply to the Development Areas.

6.14.2.3 Subdivision and Development in Development Areas

6.14.2.3.1 The development of land within a Development Area is to comply with Schedule 12;

6.14.2.3.2 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.

6.14.2.4 Structure Plan Required

6.14.2.4.1 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.

6.14.2.4.2 Notwithstanding clause 6.14.2.4.1, 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.

6.14.2.5 Preparation of Structure Plans

6.14.2.5.1 A proposed structure plan may be prepared by—

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

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

6.14.2.6 Details of proposed structure plan

6.14.2.6.1 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 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 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 6.14.2.6.1(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 6.14.2.6.1 (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.

6.14.2.6.2 The maps referred to in clause 6.14.2.6.1 are to—

- (a) be drawn to a scale that clearly illustrates the details referred to in clause 6.14.2.6.1; and

- (b) include a north point, visual bar scale, key street names and a drawing title and number.
- 6.14.2.6.3 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.
- 6.14.2.6.4 A proposed structure plan must, in the opinion of the local government, be consistent with orderly and proper planning.
- 6.14.2.7 Submission to local government and Commission
  - 6.14.2.7.1 A proposed structure plan prepared by an owner is to be submitted to the local government.
  - 6.14.2.7.2 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.
  - 6.14.2.7.3 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.
  - 6.14.2.7.4 The Commission must provide its comments to the local government within 30 days of receiving the proposed structure plan.
- 6.14.2.8 Advertising of structure plan
  - 6.14.2.8.1 Within 60 days of preparing or receiving a proposed structure plan that conforms with clause 6.14.2.6 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 of 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.
  - 6.14.2.8.2 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.
- 6.14.2.9 Adoption of proposed structure plan
  - 6.14.2.9.1 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.
  - 6.14.2.9.2 (a) In making a determination under clause 6.14.2.9.1, 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 6.14.2.9.1.
- 6.14.2.9.3 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 6.14.2.8.1 onwards are to apply.
- 6.14.2.9.4 If within the period referred to in clause 6.14.2.9.1, 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 6.14.2.9.1, the local government is deemed to have refused to adopt the proposed structure plan.
- 6.14.2.10 Endorsement by Commission
  - 6.14.2.10.1 If the proposed structure plan proposes the subdivision of land, then within 7 days of making its determination under clause 6.14.2.9.1, the local government is to forward the proposed structure plan to the Commission for its endorsement.
  - 6.14.2.10.2 As soon as practicable after receiving the proposed structure plan, the Commission is to determine whether to endorse the proposed structure plan.
  - 6.14.2.10.3 The Commission is to notify the local government of its determination under clause 6.14.2.10.2.
- 6.14.2.11 Notification of structure plan
  - 6.14.2.11.1 As soon as practicable after adopting a proposed structure plan under clause 6.14.2.9.1 and if clause 6.14.2.10 applies, as soon as practicable after being notified of the Commission's decision under clause 6.14.2.10.3, 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.
- 6.14.2.12 Operation of structure plan
  - 6.14.2.12.1 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 6.14.2.10.2; or
    - (b) on the day on which it is adopted by the local government under clause 6.14.2.9.1 in all other cases.
  - 6.14.2.12.2 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.
- 6.14.2.13 Inspection of structure plan
  - 6.14.2.13.1 The structure plan and the Commission's notification under clause 6.14.2.10.3 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.
- 6.14.2.14 Variation to structure plan
  - 6.14.2.14.1 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 6.14.2.6 onwards.
  - 6.14.2.14.2 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.
  - 6.14.2.14.3 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.

6.14.2.14.4 As soon as practicable after receiving a copy of the variation referred to in clause 6.14.2.14.3, the Commission is to determine whether to endorse the proposed variation.

6.14.2.14.5 The Commission is to notify the local government of its determination under clause 6.14.2.14.4.

6.14.2.14.6 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 6.14.2.14.4; or

(b) on the day on which the local government resolves to make the variation under clause 6.14.2.14.1(a).

6.14.2.15 Detailed area plan

6.14.2.15.1 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.

6.14.2.15.2 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.

6.14.2.15.3 When a proposed detailed area plan is prepared under clause 6.14.2.15.1, 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.

6.14.2.15.4 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.

6.14.2.15.5 The local government is to consider all submissions receive 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;
- 6.14.2.15.6 If within 60 days of receiving a detailed area plan prepared under clause 6.14.2.15.1(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 6.14.2.15.5, the local government is deemed to have refused to approve the detailed area plan.
- 6.14.2.15.7 Once approved by the local government, the detailed area plan constitutes a variation of the structure plan.
- 6.14.2.15.8 The local government may vary a detailed area plan in accordance with the procedures set out in clause 6.14.2.15 onwards provided such variations do not prejudice the intention of any related structure plan.
- 6.14.2.16 Appeal
  - 6.14.2.16.1 An owner who has submitted a proposed structure plan under clause 6.14.2.7.1 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 6.14.2.8.1;
    - (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.
  - 6.14.2.16.2 An owner who has submitted a detailed area plan in accordance with clause 6.14.2.15 may appeal, in accordance with Part 14 of the Planning and Development Act, and discretionary decision made by the local government under clause 6.14.2.15.
- 6.14.3 Development Contribution Areas
  - 6.14.3.1 Interpretation

In clause 6.14.3, 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 6.14.3.10;

‘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.
  - 6.14.3.2 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.
  - 6.14.3.3 Development Contribution Plan

A Development Contribution Area is required to be prepared for each Development Contribution Area.
  - 6.14.3.4 Development Contribution Plan part of scheme

The Development Contribution Plan does not have effect until it has been incorporated in Schedule 13 as part of the Scheme.
  - 6.14.3.5 Subdivision and Development
    - 6.14.3.5.1 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 6.14.3.14 for the payment of the Owner's Cost Contribution.
- 6.14.3.5.2 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.
- 6.14.3.6 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.
- 6.14.3.7 Recommended content of Development Contribution Plans
- 6.14.3.7.1 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; and
  - (c) the method of determining the Cost Contribution of each Owner; and
  - (d) the priority and timing for the provision of Infrastructure.
- 6.14.3.8 Period of Development Contribution Plan
- A Development Contribution Plan may specify the period during which it is to operate.
- 6.14.3.9 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.
- 6.14.3.10 Cost Apportionment Schedule
- 6.14.3.10.1 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.
- 6.14.3.10.2 The Cost Apportionment Schedule sets out in detail the calculation of the Cost Contribution for each Owner in the Development Contribution Area.
- 6.14.3.10.3 The Cost Apportionment Schedule does not form part of the Scheme.
- 6.14.3.11 Cost Contributions based on estimates
- 6.14.3.11.1 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.
- 6.14.3.11.2 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

- (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.
- 6.14.3.11.3 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.
- 6.14.3.11.4. 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.
- 6.14.3.11.5 Where an Owner's Cost Contribution is adjusted under clause 6.14.3.11.4, 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.
- 6.14.3.12 Valuation
- 6.14.3.12.1 Clause 6.14.3.12 applies in order to determine the value of land to be acquired for the purpose of providing Infrastructure.
- 6.14.3.12.2 In clause 6.14.3.12—
- ‘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.
- 6.14.3.12.3 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.
- 6.14.3.12.4 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.
- 6.14.3.13 Liability for Cost Contributions
- 6.14.3.13.1 An Owner is required to make a Cost Contribution in accordance with the applicable Development Contribution Plan and the provisions of clause 6.14.3.
- 6.14.3.13.2 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.
- 6.14.3.13.3 Notwithstanding clause 6.14.3.13.2, 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.
- 6.14.3.14 Payment of Cost Contribution
- 6.14.3.14.1 (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.
- 6.14.3.14.2 The Owner, with the agreement of the local government, may pay the Owner's Cost Contribution in a lump sum, by installments or in such other manner acceptable to the local government.
- 6.14.3.14.3 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.
- 6.14.3.15 Charge on land
- 6.14.3.15.1 The amount of any Cost Contribution for which an Owner is liable under clause 6.14.3.13, 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.
- 6.14.3.15.2 The local government may, 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 6.14.3.15.1 to permit a dealing and then re-lodge the caveat to prevent further dealings.
- 6.14.3.15.3 If the Cost Contribution is paid in full, and if requested to do so by the Owner, the local government may, at the expense of the Owner, is to withdraw any caveat lodged in accordance with clause 6.14.3.15.
- 6.14.3.16 Administration of Funds
- 6.14.3.16.1 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.
- 6.14.3.16.2 Interest earned on Cost Contributions credited to a reserve account in accordance with clause 6.14.3.16.1 is to be applied in the Development Contribution Area to which the reserve account relates.
- 6.14.3.16.3 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.
- 6.14.3.17 Shortfall or Excess in Cost Contributions
- 6.14.3.17.1 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 6.14.3.17.1(a) restricts the right or power of the local government to impose a differential rate to a specified Development Contribution Area in that regard.



6.14.3.17.2 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.

6.14.3.18 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.

6.14.3.19 Arbitration

Subject to clause 6.14.3.12.4, 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.

7. Add a Special Control Area symbol to the Scheme maps for Lot 152 Furnissdale Road Pinjarra, to be labelled as DCA1.
8. Insert new Schedules into the Scheme Text to be numbered as Schedules 12 and 13.

**SCHEDULE 12—DEVELOPMENT (STRUCTURE PLANNING) AREAS**

No.	Description of Land	Additional provisions applicable to subdivision and development

**SCHEDULE 13—DEVELOPMENT CONTRIBUTION PLANS**

No.	Description of Land	Infrastructure to which cost sharing arrangements relate	Cost sharing arrangement
DCA1.	Lot 152 Pinjarra Road, Furnissdale (as identified on Scheme Map as DCA1)	Future traffic signals at the intersection of Pinjarra Road, Ronlyn Road and Husband Road.	The land owner(s) shall contribute 10% of the estimated costs of signalisation, as estimated by Main Roads Western Australia.

9. Update table of contents page of the Scheme Text accordingly.

*\*Note: No Development Areas are proposed to be inserted as part of this Amendment.*

N. H. NANCARROW, Shire President.

N. LEACH, Chief Executive Officer.

---

## PREMIER AND CABINET

---

PC401\*

**INTERPRETATION ACT 1984**  
MINISTERIAL ACTING ARRANGEMENTS

It is hereby notified for public information that the Governor in accordance with Section 52(1)(b) of the *Interpretation Act 1984* has approved the following temporary appointment—

Hon E S Ripper MLA, to act temporarily in the office of Minister for Police and Emergency Services; Community Safety; Water Resources; Sport and Recreation in the absence of the Hon J C Kobelke MLA for the period 1 to 11 March 2007 inclusive.

M. C. WAUCHOPE, Director General  
Department of the Premier and Cabinet.

---

**WATER/SEWERAGE**

---

WA401\*

**WATER SERVICES LICENSING ACT 1995**  
NOTICE UNDER SECTION 31 (5) AMENDMENT OF LICENCE

Notice is given that the following Operating Licences have been amended—

- Licensee: Aqwest—Bunbury Water Board  
Issue Date: 2 February 2007  
Address of Licensee: PO Box 400  
Bunbury WA 6230  
Classification: Operating Licence, Water Supply Service.  
Term of Licence: Up to and including 17 January 2022.  
Amendment: Substitution of a new licence for the existing licence with amendment to—  
• Schedule 6, Clause 3 amended to account for new National Framework for Reporting Performance on Urban Water
- Licensee: Busselton Water Board  
Issue Date: 2 February 2007  
Address of Licensee: PO Box 57  
Busselton WA 6280  
Classification: Operating Licence, Water Supply Service.  
Term of Licence: Up to and including 1 October 2021.  
Amendment: Substitution of a new licence for the existing licence with amendment to—  
• Schedule 6, Clause 3 amended to account for new National Framework for Reporting Performance on Urban Water
- Licensee: City of Kalgoorlie-Boulder  
Issue Date: 2 February 2007  
Address of Licensee: PO Box 2042  
Boulder WA 6432  
Classification: Operating Licence, Sewerage Services and Non-Potable Water Supply.  
Term of Licence: Up to and including 29 April 2021.  
Amendment: Substitution of a new licence for the existing licence with amendment to—  
• Schedule 6, Clause 3 amended to account for new National Framework for Reporting Performance on Urban Water
- Licensee: Water Corporation  
Issue Date: 2 February 2007  
Address of Licensee: PO Box 100  
Leederville WA 6092  
Classification: Operating Licence, Water Supply, Sewerage, Irrigation and Drainage Services.  
Term of Licence: Up to and including 28 June 2021.  
Amendment: Substitution of a new licence for the existing licence with amendment to—  
• Schedule 6, Clause 3 amended to account for new National Framework for Reporting Performance on Urban Water
- Inspection of Licence: Economic Regulation Authority  
6th Floor  
197 St Georges Terrace  
Perth WA 6000  
[http:// www.era.wa.gov.au](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

Robert Alexander WILSON late of Glenn-Craig Nursing Home, Beaufort Road, 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 above named deceased who died on 30 April 2006, are required by the Trustee Alex John Wilson of 81 Garratt Road, Bayswater, Western Australia, to send particulars of their claims to him within one (1) month of the date of publication hereof, after which date the Trustee may convey or distribute the assets of the estate having regard only to the claims of which he then has notice.

ALEX JOHN WILSON, Trustee.

ZX402

**TRUSTEES ACT 1962**  
**DECEASED ESTATES**

## Notice to Creditors and Claimants

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962* relates) in respect of the Estates of the undermentioned deceased persons, are required by Perpetual Trustees WA Ltd, Level 12, 123 Pitt Street, Sydney NSW, to send particulars of such claims to the Company by the undermentioned date, after which date the said company may convey or distribute the assets, having regard only to the claims of which the Company then has notice.

Claims for the following estates expire one month after the date of publication hereof.

**Estate late Daphne Marguerite Brooking**

Late of Hollywood Senior Citizens Village Nursing Home, Monash Avenue, Nedlands, Retired  
Business Proprietor  
Died 08/11/2006

**Estate late Hilda May Gray**

Late of Unit 12, 261-271 Wharf Street, Cannington, Widow  
Died 27/12/2006

**Estate late Una Jane Parker**

Late of Amaroo Retirement Village, 87C Terence Street, Gosnells, Home Duties  
Died 23/11/2006

**Estate late Andrena Winifred Sutherland**

Late of Hollywood Retirement Village, Monash Avenue, Nedlands, Retired Pianist  
Died 13/12/2006

**Estate late Stanislaw Winczewski**

Late of 145 Bourke Street, Kalgoorlie, Retired Welder  
Died 18/11/2006

**Stephen John Maxwell**

Senior Estate Manager  
Direct Phone (02) 9229 3419

ZX403

**TRUSTEES ACT 1962**  
**DECEASED ESTATES**

## Notice to Creditors and Claimants

In the matter of the will of SIMON PETER MARSHALL late of 1-176 Fern Road, Wilson in the State of Western Australia, Pensioner, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates) in respect of the estate of the abovenamed deceased who died on the 14th May, 2005 are required by the

personal representatives to send particulars of their claims to them care of Clement & Co, Lawyers, Unit 2, 12 Sutton Street, Mandurah by the 23rd March, 2007 after which date the personal representative may convey or distribute the assets having regard to the claims of which they then have notice.

CLEMENT & Co as solicitors for the personal representatives.

---

## **WANTED!!!**

### **Old copies of the *Government Gazette***

State Law Publisher is in the process of scanning all *Government Gazettes* (back to the first one ever published in the 1840's) with the intention of adding the archived copies to our existing on-line service.

We are looking for **donations** of any copies (pre 1994) that are no longer required by clients and would be appreciative of any assistance you can offer in this undertaking.

The scanning process requires single pages, therefore we need to trim the spine off each gazette, which unfortunately ruins the gazettes for future use.

Our preference is for unwanted copies, however, if a client requires their gazettes returned, State Law Publisher will reprint and replace individual editions. If a bound copy is supplied and is to be returned we will reprint all gazettes and arrange to have them rebound for the client.

The benefits of having all the gazettes and indices on-line and searchable will be enormous. This service should remove the need for clients to retain hard copies and will free up valuable storage space.

Barring any unforeseen delays, it should take around a month to scan each year and then release on our website.

---

Please contact John Thompson on 9426 0010 if you can assist by supplying editions of the *Government Gazette*. For large quantities we will arrange for them to be collected.